SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 15, 2005

8:30 A.M.

(PAGES 2017 THROUGH 2082)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2017

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2
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28 2018

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ARVIZO, Gavin-Anton 2021-M 2056-SN 2074-M (cont’d)
FLAA, Terry 2077-Z

1 E X H I B I T S
2
3 FOR IN DEFENDANT'S NO. DESCRIPTION I.D. EVID.
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5 5020 Photograph 2040 2043
6 5021 Photograph 2040 2043
7 5022 Photograph 2040 2043
8 5023 Photograph 2040
9 5024 Photograph 2040 2043
10 5025 Photograph 2040 2043
11 5026 Photograph 2040 2043
12 5027 Photograph 2040 2043
13 5028 Photograph 2040
14 5029 Photograph 2040
15 5031 Neverland Valley Guest Book 2044
16 5032 Photograph 2049 2052
17 5033 Photograph 2051
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28 2020

1 Santa Maria, California
2 Tuesday, March 15, 2005
3 8:30 a.m.
4
5 THE COURT: Good morning.
6 THE JURY: (In unison) Good morning.
7 THE COURT: You ready to proceed.
8 MR. MESEREAU: Yes, Your Honor.
9 Thank you, Your Honor.
10
11 GAVIN-ANTON ARVIZO
12 Having been previously sworn, resumed the
13 stand and testified further as follows:
14
15 CROSS-EXAMINATION (Continued)
16 BY MR. MESEREAU:
17 Q. Mr. Arvizo, when you claim you were
18 inappropriately touched by Mr. Jackson, you claim
19 there were no witnesses watching, correct.
20 A. Yes.
21 Q. Now, at some point, do you recall giving a
22 DNA swab to any Santa Barbara Sheriff.
23 A. Yes. They gave me a DNA swab.
24 Q. Do you know approximately when that was.
25 A. No.
26 Q. Did you ever learn what the results were of
27 any DNA testing.
28 A. No. 2021

Q. Did you ever discuss it with Prosecutor Sneddon.
A. No.
Q. Did you ever discuss it with any other prosecutor.
A. No.
Q. Did you ever discuss it with any sheriff.
A. No.
Q. How about any lawyer or paralegal.
A. No.
Q. Did you ever discuss it with any member of your family.
A. No.
Q. So as you sit here today, you don't know what the results are of those DNA tests, right.
A. No.
Q. Okay. Now, you indicated that you were upset that there was no press conference in Miami when you and your family traveled to Miami to see Michael Jackson, correct.
A. I said it wasn't that big of a deal, because I was already having fun.
Q. Well, you wanted a press conference in this case, didn't you.
A. Michael wanted it.
Q. No --
A. Michael told me he wanted it.
Q. Sir, when you were testifying before the 2022

grand jury, you wanted to give a press conference, didn't you.
A. No, I thought we were going to have a press conference, because that's what I was told.
Q. Do you remember telling Mr. Sneddon and the grand jury that you wanted to have a press conference.
A. I might have said that we wanted to have a press conference, because Michael wanted to.
Q. Michael wanted to have a press conference when you were in front of the grand jury; is that what you're saying.
You can answer the question.
A. No.
Q. Remember telling Mr. Sneddon, "Oh, man, I was going to have a press conference".
MR. SNEDDON: Excuse me, Your Honor. Could we have a page reference on that, before Counsel reads it.
MR. MESEREAU: Sure. Sure. It's 449.
MR. SNEDDON: That's fine.
Q. BY MR. MESEREAU: Okay. Do you remember when you were in front of the Santa Barbara Grand Jury, Mr. Sneddon told you there was an order that you not talk to the media, and your response was, "Oh, man, I was going to have a press conference". Do you remember that.
A. That was probably a joke. 2023

Q. That was a joke.
A. Yeah.
Q. So you're in front of the Santa Barbara Grand Jury talking about this case and you're telling a joke.
A. Yes.
Q. Okay. All right. Do you know someone who worked at Neverland named Julio Avila.
A. I don't remember.
Q. Do you remember that name at all.
A. I remember a guy that might have been named Julio, but I forgot his name.
Q. Okay. And was he someone who worked around the amusement rides.
A. Oh, yes. Well, he -- he was the manager of the whole Neverland, but then they moved him to the amusement park, if we're talking about the same guy.
Q. Do you remember anyone complaining about you and Star --
MR. SNEDDON: Object, Your Honor. It's a violation of a 403 ruling.
MR. MESEREAU: I don't think it is.
THE COURT: I'm not remembering this. Give me another hint.
MR. MESEREAU: It has to do with behavior at Neverland. Nonsexual nature.
THE COURT: All right. I'll sustain the objection. 2024

Q. BY MR. MESEREAU: Do you recall you and your brother Star being picked up by a FOX News reporter at your home.
A. No.
Q. Never happened.
A. Well, I have a friend that works for FOX News, but --
Q. What's your friend's name.
A. Barbara.
Q. Barbara Schroeder.
A. I don't know her last name.
Q. Do you recall being picked up by Barbara Schroeder and taken for a spending spree.
A. I remember going to the movies with her and her daughter.
Q. Do you remember she and another member of the media treating you and your brother to shopping.
A. I have a friend that used to work for FOX that I met at The Laugh Factory, but he works in, like, cell phones or something.
Q. Do you recall Barbara Schroeder and another representative of FOX News taking you and Star shopping and paying your bills.
A. They weren't representing FOX News to us. They were our friends.
Q. Do you remember them taking you shopping and paying your bills; yes or no.
A. I don't remember them paying my bills. And 2025

I remember going to the movies with them. I don't remember going on shopping sprees.
Q. Where did you go with them.
A. We went to the movies.
Q. Where.
A. Galleria.
Q. Which galleria.
A. I don't know. Somewhere in Los -- Hollywood somewhere.
Q. In Los Angeles, right.
A. Yes.
Q. Okay. And you're saying they never took you to any store and paid any bill for you.
A. No.
Q. Okay. You mentioned that someone named Gary Hearn had driven you and your family from time to time while you were at Neverland, correct.
A. Yeah, Gary drove us around.
Q. How many times do you recall Gary Hearn driving you around.
A. I don't remember.
Q. Was it five times. Ten times.
A. Well, no, it was less than that.
Q. Okay. And where do you remember Gary Hearn driving you to.
A. I remember he drove us one time from the hospital to Neverland, and once from our apartment to Neverland. 2026

Q. Do you remember your being in his car and your mother asking to stop so you could buy various things at stores.
A. No.
Q. Don’t recall him ever stopping so anyone in your family could go shopping.
A. No.
Q. Okay. Do you know someone named Andrew Lassak.
A. No.
Q. Okay. Now, you mentioned --
A. Lassak. Police officer.
Q. Yes. Do you know him.
A. Yes.
Q. How did you meet him.
A. He was an LAPD officer that -- I forgot, really, how we met him. I think he was -- I don’t know. My mom met him or something, and then he visited us a lot.
Q. Do you know approximately when you first met this LAPD officer, Mr. Lassak.
A. After my father left. A few months after my father left, after I finished chemotherapy.
Q. And he was a friend of your family, correct.
A. Yes.
Q. He used to visit your house, correct.
A. Yes.
Q. You spoke to him, right. 2027

A. Yes.
Q. You saw your brother and sister speak to him, didn't you.
A. Yes.
Q. And you saw your mother speak to him, right.
A. Yes.
Q. Do you recall anyone ever complaining to Los Angeles Police Officer Andrew Lassak that anyone was being held against their will.
MR. SNEDDON: Your Honor, I'm going to object to the question as vague as to time frame.
MR. MESEREAU: I'll rephrase it, Your Honor.
THE COURT: All right.
Q. BY MR. MESEREAU: During the period you claim you escaped from Neverland three times, do you recall anyone in your family ever complaining to LAPD Officer Andrew Lassak that anyone was being mistreated or held against their will.
A. His name is Lassak, and I don't remember anything happening like that.
Q. Okay. Now, correct me if I'm wrong, I think you testified that you used to stay up -- let me rephrase that.
You would end up staying up most of the night when you were at Neverland, correct.
A. Sometimes.
Q. Not all the time.
A. No.

Q. Isn’t it true that you and your brother would sometimes roam around the main house starting at 7:00 a.m. in the morning.
A. The cooks -- the chefs would be in there like 6:30 or 7:00 or something, and then we’d go in there to eat breakfast.
Q. Okay. And how often do you remember doing that.
A. Every morning when we would eat breakfast.
Q. Do you know someone named Shane Meredith.
A. No.
Q. Never knew an employee named Shane Meredith at Neverland.
A. If I did, I don’t remember that.
Q. He caught you with an open bottle of alcohol at Neverland, didn’t he, when Michael Jackson wasn’t even around.
A. No.
Q. Now, you talked yesterday about someone named Brett Ratner. Do you remember that.
A. Yes.
Q. And he was working on a Rush Hour movie, right.
A. Yes, he was the director for both of them.
Q. And you met Brett Ratner at Neverland one time, right.
A. Yes, he came to Neverland once.
Q. And you saw him in the library, right. 2029

A. Michael and him were in the library, and they told me to go there.
Q. You saw him in the library with Michael, correct.
A. They told me to go in there.
Q. Okay. And you sat down next to Michael Jackson, didn't you.
A. I sat on the couch. I sat on this red couch and Michael was sitting here on the seat, and Brett Ratner was sitting here also.
Q. At one point during that meeting, you rested your head on Michael Jackson's shoulder, didn't you.
A. No. It was early in the morning, and I was -- we were sitting -- he was sitting on another chair.
Q. And you asked if you could go with Michael and Brett Ratner to Florida, didn't you.
A. I don't remember asking that.
Q. You don't remember it or you're not sure you did it.
A. I don't remember ever asking that.
Q. Okay. Do you remember hearing your mother tell Jesus Salas that she was very concerned about all the media attention.
A. I don't remember. I remember my mom would say stuff like that, but -- she didn't really like it, but, I mean, I don't remember if she did say it to Jesus Salas. 2030

Q. Okay. Now, you indicated that you would get to the kitchen sometimes early in the morning, right.
A. Well, yeah. Me and a bunch of other people, when we wanted to eat breakfast.
Q. Now, you and your brother often would cook for yourselves, correct.
A. We wouldn't really cook. We might grab an apple or some ice cream, but we wouldn't cook.
Q. Ever see your brother Star cook in that kitchen.
A. No.
Q. Do you remember ever telling Chris Tucker that you didn't make any money from the fund-raiser.
A. No. Well, what fund-raising.
Q. Fund-raiser for you at The Laugh Factory.
A. No, because we did make money at The Laugh Factory.
Q. Yes. So you never told Chris Tucker, "We didn't make any money from the fund-raiser".
A. Why would I say that when we did. No, I never said that.
Q. Okay. Do you recall yourself asking Chris Tucker for money.
A. No.
Q. Do you remember telling Chris Tucker that your family was being hounded by the media and could not leave your house. 2031

A. No.
Q. Never said that.
A. I might have told them about some media people that were around our house, but, I mean --
Q. Do you remember telling Chris Tucker the media was hounding your family and there was no place for you people to go.
A. No. Because --
Q. Never said that.
A. I might have talked to him about some guy that was holding a camera outside of my house, but, I mean --
Q. Do you remember telling Chris Tucker that your family had nowhere to go.
A. No.
Q. Do you remember telling Chris Tucker that you knew Michael Jackson was in Miami and you wanted to go see him.
A. No. Well, I -- well, the first time I flew in his plane over to Miami, so I don't know if you're trying to talk about that or what.
Q. Well, before you flew on Chris Tucker's plane to Miami, do you remember telling Chris Tucker that you wanted to go to Florida to see Michael Jackson.
A. No.
Q. Never said that.
A. Michael called, and they arranged it so that 2032

we can go on Chris's plane.
Q. But you never told Chris you wanted to go see Michael in Florida, right.
A. I don't remember if I said in those exact words.
Q. Okay. Do you know Vernee Watson.
A. I kind of remember her name. But --
Q. She was an acting teacher for you, wasn't she.
A. Was she on a show with Will Smith, the Fresh Prince of Bel Air show.
Q. Excuse me, I couldn't understand what you said.
A. I think I remember who she is, but I don't remember.
Q. Did she teach you acting at a school owned by Belinda Johnson.
A. I went to some -- I mean, I don't know if we're talking about the same Renee Watson.
Q. Just asking you if you know someone named Vernee Watson.
A. I kind of remember her name. But, I mean, I haven't --
Q. Do you know who she is.
A. As I said, I kind of think I do, but I don't know if it's that person -- if that name goes with that face.
Q. Well, can you please describe the Vernee 2033

Watson that you know.
A. She has like dreadlocks and she's African-American. And she -- she played Will Smith's mother on Fresh Prince of Bel Air. And -- yeah.
Q. And how do you know her.
A. I don't remember. She's been our friend for a long time.
Q. Is she still your friend.
A. Um, we -- we haven't called her in a while. But I think I met her through a dance company, a dance class -- a dance studio I was with.
Q. Do you recall ever asking her for money.
A. No.
Q. Do you recall your mother ever asking Vernee Watson for money.
A. No.
Q. Now, correct me if I'm wrong, I think you said yesterday that you did not call Chris Tucker on February 4th, 2003; is that right.
A. I said that I don't really remember if I said that or not, but I don't know if I called Chris Tucker on February 4th, 2003.
Q. Do you remember calling Chris Tucker before you went to Miami and telling him you're being harassed by the media.
MR. SNEDDON: Your Honor, object as asked and answered. 2034

THE COURT: Sustained.
Q. BY MR. MESEREAU: Did your mother ask you to call Chris Tucker.
A. No, I don't think so.
Q. How did you know Michael Jackson was in Miami.
A. Because he called us and told us that he was in Miami.
Q. Did you call Chris Tucker on a regular basis at that particular time.
A. Yeah, I was still talking to him.
Q. Okay. Did you typically call him from home.
A. Sometimes.
Q. Where else would you call him from.
A. I don't know. At my grandma's house.
Q. Now, Chris told you that he was going to Orlando, right.
A. I don't know.
Q. Do you remember him saying that.
A. No.
Q. Okay. And to your knowledge, did Evvy Tavasci book a commercial flight for your family to fly to Miami to see Michael Jackson.
A. I don't know.
Q. Okay. Do you know who was in charge of deciding how you would get to Miami.
A. I don't know who was in charge of that.
Q. Okay. Do you know how you ended up on Chris 2035

Tucker's plane rather than a commercial flight.
A. Chris wanted to see Michael. And then we could just -- we could have just went on a ride with him because he was going over there.
Q. Okay. Do you recall you, your brother, your sister and your mother going to a dental office around February 24th, 2003.
A. I remember we might have went to a dental office. I mean, I used to have braces.
Q. And you went to that office to have your braces removed, right.
A. I believe so.
Q. Pardon me.
A. I believe so.
Q. Okay. Well, do you remember going there from Neverland.
A. Yes.
Q. And it was a Dr. Seamont you went to, right.
A. I don't know.
Q. He was not too far from Neverland, right.
A. I think they were in Solvang.
Q. And you had your braces removed, right.
A. Yes. Because my teeth started separating because the wires were all broken.
Q. And who took you to that dental office.
A. I think it was Frank.
Q. Do you know the approximate date.
A. No. 2036

Q. And you left Neverland and went into town that day about 2:34 in the afternoon, right.
A. I don't know.
Q. Okay. And do you remember how long you were away that day, from Neverland.
A. I don't know.
Q. It was about five and a half hours, wasn't it.
A. As I said, I don't know.
Q. Okay. Do you remember stopping in Solvang.
A. I thought that's what the orthodontist was, in Solvang.
Q. Do you remember, when you left the office, going anywhere else.
A. No.
Q. Do you remember anybody complaining at the office that anyone in your family was being held against their will.
A. I don't remember.
Q. Did you have dinner or any meal in Solvang.
A. I don't remember having a dinner or a meal.
Q. Do you remember going shopping in Solvang that day.
A. No.
Q. No.
A. No.
Q. Now, your mother was mad at your L.A. dentist that put the braces on originally, right. 2037

A. I don’t know if she was mad at him.
Q. You never noticed that at all.
A. No.
Q. Okay. Do you know who paid for your dental work in Solvang on that day.
A. I don’t know who paid for it.
Q. And your mother was there, right.
A. I think so.
Q. Davellin was there, right.
A. I think so.
Q. And Star was there, right.
A. I think so.
Q. Okay.
A. They never -- they hardly ever let us be apart. They wanted to keep us together.
Q. Excuse me.
A. They never wanted us to be in separate areas. They always wanted to keep us together.
Q. Well, remember you went to Toys R Us with Michael.
A. Yeah, I remember.
Q. Your mother wasn’t there.
A. My mom was at Neverland, where they can still keep her.
Q. Oh, was your mother on the trip to Toys R Us.
A. No, she was in Neverland in her unit, where they could still keep her and watch her. 2038

Q. I see. So you went into town with Michael Jackson, correct.
A. Yeah. Michael took us to Toys R Us.
Q. You picked up some fans, correct, on the way.
A. Yeah, Michael invited some people into our -- the thing.
Q. You never complained to anyone in the store or any of these fans that anyone was being held against their will, correct.
A. I was actually happy to be at Neverland all the time.
Q. And you were happy to go --
A. That's something you don't really understand, is that the majority of those times was -- the first few escapes that you talk about, I liked being at Neverland. That was like Disneyland. I loved being there. I had lots of fun.
I mean, my mom was the one always worried. It wasn't until the last time that I realized "I don't want to be here."
Q. Your mother was worried, but she always came back, right. Right.
A. I guess so.
Q. Okay. I'm going to show you some photographs that have been premarked. They've been shown to the prosecutor, Your 2039

Honor.
THE COURT: All right.
MR. MESEREAU: May I approach.
THE COURT: They're not in evidence yet.
MR. MESEREAU: Not yet.
THE COURT: Can you just give me the numbers.
It's for my notes. No, just -- what's the run.
MR. MESEREAU: It's Exhibit 5020 through
Exhibit 5029.
THE COURT: Thank you.
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Arvizo, I'm going to show you some
photographs, and ask you if they appear accurate to
you. The first one says "Jean Seamont, DDS." Do
you see that.
A. Yes.
Q. Do you remember going to that office.
A. That might be a little -- it's like the -- a
little -- I don't know exactly how it is, but --
Q. It's like a sign.
A. Yeah, a sign. There we go.
Q. Okay. And that's -- that looks accurate to
you, right.
A. Yes.
Q. Okay. And that is Exhibit 5020.
Now I'm showing you Exhibit 5021. Does that
look familiar to you.
A. A little bit. Yeah. That looks like the 2040

1 place that they took us to.
2 Q. That's the dentist's office, right.
3 A. Yes.
4 Q. Appears accurate to you.
5 A. Yes.
6 Q. Okay. Now I'm showing you Exhibit 5022. Do
7 you see that.
8 A. Yes, I see it.
9 Q. And that's downtown Solvang, right.
10 A. I don't know.
11 Q. That's near the dental office, isn't it.
12 A. I don't know if that was the same place.
13 Q. Does it look accurate to you.
14 A. I don't know where that is.
15 Q. Okay. Now I'm showing you Exhibit 5023. Do
16 you see that.
17 A. Yes.
18 Q. And does that look like the inside of the
19 dentist's office.
20 A. I think so.
21 Q. Okay. Looks accurate to you.
22 A. I think it was the dentist's office.
23 Q. Okay. And now I'm showing you Defense
24 Exhibit 5024. Do you see that.
25 A. Yes.
26 Q. And that's the inside of the dentist's
27 office, right.
28 A. I think so. 2041

Q. Looks accurate to you.
A. Yes.
Q. And now I'm showing you Defense Exhibit 5025. Do you see that.
A. Yes.
Q. And that's the inside of the dentist's office, right.
A. I don't know if that's the same place they did my stuff, but, I mean, it looks --
Q. Looks accurate to you.
A. Yeah.
Q. Okay. I'm showing you now Exhibit 5026. Do you see that.
A. Yes.
Q. Inside of the dentist's office, right.
A. Yes.
Q. Look accurate to you.
A. Yes.
Q. Now I'm showing you Exhibit 5027. Do you see that.
A. Yes.
Q. And that's also the inside of the dentist's office, right.
A. I think so, yes.
Q. Look accurate to you.
A. Yes.
Q. I'm now showing you Exhibit 5028. Do you see that. 2042

A. Yes.
Q. That's the outside of the dentist's office,
right.
A. I don't know. I never went out there.
Q. Does it look accurate to you.
A. I don't know. I never went out there.
Q. Okay. And now I'm showing you Exhibit 5029.
Do you see that.
A. Yes.
Q. That's the outside of the dentist's office,
right.
A. I don't know.
Q. Does it look accurate to you.
A. I don't know. I never went out there.
Q. Okay.
Unless there's an objection, I'll move these
photographs into evidence.
MR. SNEDDON: Well, excuse me, Your Honor.
There is an objection to the ones he said he didn't
know anything about, so that would be --
THE COURT: I've got it. 5023 is not
admitted. 5025 and 502 -- no, 5028 and 5029 are not
admitted. The others are all admitted.
Q. BY MR. MESEREAU: You don't know how long
you were at that dental office, correct.
A. No.
Q. Did you ever see any telephones --
THE BAILIFF: Is your microphone on. 2043

MR. MESEREAU: Oh. Pardon me. Let me start again.
Q. You don't know how long you were at that dental office, right.
A. No.
Q. Did you ever see any phones in that dental office.
A. No -- well, there's probably one in the front. But I didn't see one in that picture, though.
Q. Did anyone in your family ever complain while you were at that dental office, "We're being held against our will," to your knowledge.
A. No.
MR. MESEREAU: Your Honor, I'd like -- I have in front of me a Neverland Valley guest book I'd like to be marked next in order.
THE COURT: That would be 5030.
MR. MESEREAU: Yes, please.
MR. SANGER: There is a 5030.
THE CLERK: We already have a 5030. So that would be 5031.
THE COURT: Excuse me. 5031.
THE CLERK: Yes.
Q. BY MR. MESEREAU: Mr. Arvizo, I have -- Excuse me, Your Honor.
Oh.
MR. SNEDDON: Excuse me, you know, could -- 2044

Your Honor, we've never seen this. It wasn't provided to us.
MR. MESEREAU: We produced it to them, Your Honor.
MR. SNEDDON: I haven't seen the book. And I'd like to look at it before he asks any questions.
THE COURT: We'll organize this. You let her -- there you go. You got the label on it. Would you show it to the District Attorney.
MR. MESEREAU: Yes, Your Honor.
(Off-the-record discussion held at counsel table.)
MR. MESEREAU: Your Honor, I have in front of me Defense Exhibit 5034 (sic).
THE COURT: They can't hear you.
MR. MESEREAU: Oh. Here we go again. I have in front of me Defense Exhibit 5031, which is a Neverland Valley guest book. May I approach the witness.
THE COURT: Yes.
Q. BY MR. MESEREAU: Mr. Arvizo, I'm showing you a Neverland Valley guest book that's listed as Exhibit 5031. Have you seen that before.
A. Yes.
Q. Where have you seen this before.
A. In the front of the -- the -- where you walk in the front entrance, there's like this podium-type thing, and it sat on there.6. 2045

Q. Now, there's some writing on the cover of that book. Do you see that.
A. Yes.
Q. Is that your writing.
A. No.
Q. You didn't write that.
A. No. That's my brother's, I think.
Q. Well, it says "Gavin," doesn't it.
A. Yeah.
Q. You didn't write that.
A. It says "Blow Hole and Gavin."
Q. Okay. Do you know who wrote that.
A. "Blow Hole's" my brother.
Q. You didn't write that at all.
A. No.
Q. Okay. Do you know why your brother wrote on the cover of the guest book.
A. Because it looked cool. Because it's on the part where you can see it. I don't know. You should ask my brother.
Q. Did you see him do that.
A. No.
Q. Did you ever talk to him about it.
A. No.
Q. Now, you had looked through this guest book before, correct.
A. I didn't really look through it, but I 2046

signed it once.
Q. Okay. So your signature would be in there.
A. I don't know if my signature would be in there. But I remember --
Q. I'm sorry.
A. I don't know if my signature was in there, but I remember saying, like, "Thanks for letting us come to Neverland," and it was the first time I'd ever been to Neverland.
Q. Okay. But this is the book you saw at Neverland, right.
A. Yes.
Q. Okay.
Move to admit Defense Exhibit 5031.
MR. SNEDDON: Your Honor, I have no objection to either option. They can put in a photocopy of the front, which is what he was questioned about, but as to the entire contents, I object.
THE COURT: All right. The objection is sustained as to the contents.
MR. MESEREAU: Okay. With your permission, Your Honor, we can just get a duplicate of the cover.
THE COURT: That would be fine.
MR. MESEREAU: Okay. Okay.
THE COURT: You can leave -- is there an agreement that once he gets the duplicate of the 2047

cover, that he can exchange the duplicate for the original and remove the original. Or do you want to wait until the end of the trial for that.
MR. SNEDDON: No, that would be fine, Your Honor. I'm just at a little bit -- "duplicate" meaning --
THE COURT: The duplicate of the cover is what he was saying.
MR. MESEREAU: Yeah.
MR. SNEDDON: Will it have the same writing on it.
THE COURT: "Duplicate" usually means the same. I mean, it's a duplicate.
MR. SNEDDON: All right. I'll wait till the duplicate comes in, and we can talk about it then. How's that.
THE COURT: Okay. All right. Go ahead, Counsel.
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Arvizo, according to you, it's your brother's handwriting, right.
A. It kind of looks like it. But I don't know if it is.
Q. And it says, "Hi, Doe-Doe, it's your Blow Hole. I love with you all my heart. Love forever, your Blow Hole, Gavin." Do you see that.
A. It says "Blow Hole and Gavin." It doesn't say "Blow Hole" -- 2048

Q. It looks like an “F.”
THE COURT: Counsel, you’re testifying.
MR. MESEREAU: I’m sorry, Your Honor. Okay.
Q. You didn’t see your brother do this, right.
A. No --
MR. SNEDDON: Asked and answered, Your Honor.
THE COURT: Sustained.
MR. MESEREAU: Your Honor, I have in front of me an exhibit, No. 5032, which is a photocopy of a mannequin.
I’d like to approach the witness, if I may.
Q. Mr. Arvizo, I’m showing you a document that’s labeled Exhibit 5032. Do you see that.
A. Yes.
Q. And that appears to be a photograph of a mannequin, correct.
A. Yes.
Q. Appears to be an African-American girl with braids, right.
A. Yes.
Q. With a blue jean jacket, right.
A. Yes.
Q. And a pink shirt. Do you see that.
A. Yes.
Q. Have you seen that mannequin before.
A. Yes, I saw it in Michael’s bedroom.
Q. Is that the mannequin that you’re claiming 2049

Mr. Jackson simulated a sex act with.
A. Yes.
Q. Okay. Now, did you ever discuss with Mr. Jackson where that mannequin came from.
A. No. He said that -- there was a bunch of mannequins all over his bedroom.
Q. Well, did he ever tell you this was something that was custom made and it's a mannequin of a cousin of his.
A. No. He just said that he has lots of mannequins.
Q. So you never discussed with him what this mannequin was all about, right.
A. No.
Q. You never knew that this mannequin was something that was paid for and custom made because it's his cousin.
A. He never told me that.
Q. Okay. Okay. When did you first see this mannequin.
A. In his bedroom. Where the bed actually is.
Q. And do you know approximately when that was.
A. I don't -- probably the first time I went in his room I saw it there. And then the second time I was in his room. All the way after Miami was when we made the joke about it.
Q. At some point you learned that somebody had defaced that mannequin, right. 2050

A. Defaced. What do you mean.
Q. Yes. Somebody had taken like a magic marker and messed up that mannequin, right.
A. No, I don't remember that.
MR. MESEREAU: Your Honor, at this time I'd like to approach the witness and show him Exhibit No. 5033, which is a photograph --
THE COURT: All right.
MR. MESEREAU: -- of a mannequin as well.
Q. Mr. Arvizo, I'm showing you Defense Exhibit No. 5033. Do you see that.
A. Yes.
Q. And do you see where somebody went into the vaginal portion of that mannequin and defaced it with a magic marker.
A. Yes. I see that, I guess.
Q. You know who did that, don't you.
A. No.
MR. MESEREAU: May I publish this, Your Honor.
THE COURT: No.
Q. BY MR. MESEREAU: You don't know who did that at all.
A. No.
Q. You didn't do it.
A. No.
Q. Your brother didn't do it.
A. No. 2051

MR. MESEREAU: May I approach one more time.
THE COURT: Yes.
Q. BY MR. MESEREAU: Do you see the skirt on the mannequin in Defense Exhibit 5032.
A. Yes.
Q. Same material as you see on the mannequin in Defense Exhibit 5033, right.
A. I guess so. Yeah.
Q. But you've never seen this defaced portion --
A. No.
Q. -- right.
A. No. No.
Q. Do you know why your brother defaced the guest book.
MR. SNEDDON: Your Honor, I'm going to object. Counsel's testifying. And he's already said he didn't do it.
MR. MESEREAU: I didn't ask if he did it.
THE COURT: Sustained; calls for speculation.
MR. MESEREAU: Okay. Move to admit Defense Exhibits 5032 and 5033, Your Honor.
THE COURT: They haven't been properly identified. So it's denied.
MR. MESEREAU: Exhibit 5032 is the photograph of the mannequin that I showed Mr. Sneddon.
THE COURT: That one is admitted. 2052

MR. MESEREAU: And 5033 is also a photograph of the same mannequin.
THE COURT: But it hasn't been identified as to the marking you're talking about. He has never seen it that way, so we don't know who did it, when it was done. There's no foundation.
MR. MESEREAU: We'll do it -- we'll do it later, then.
THE COURT: All right. No foundation.
MR. MESEREAU: Okay. All right.
Q. Finally, Mr. Arvizo, in your direct examination, you commented a couple of times on Mr. Jackson wearing makeup. Do you remember that.
A. Here.
Q. When you were answering Prosecutor Sneddon's questions, a couple of times you used the word "makeup" in referring to Michael Jackson, right.
A. I said one time when he was -- a story about a time when we were in the room where his makeup was, but I don't remember me saying it a lot of times.
Q. Now, you knew that Michael Jackson has a skin disease called vitiligo, right.
A. He told me about it.
Q. And he told you that he's an African-American man with a skin disease that eats up pigment in his skin, correct.
A. Yes. 2053

Q. And you knew that that disease was causing certain patches of white and brown on his skin, right.
A. Yes. I guess.
Q. And --
A. I don't know. It's not like I was making fun of him yesterday, if that's what you're trying to imply.
Q. Well, you knew that his skin is vulnerable to sunlight, correct.
A. Yes.
Q. And that's why you see him with an umbrella, correct.
A. Yes.
Q. And you also knew, because of the patches that appear on his skin from that disease, he does sometimes put some makeup on, right.
A. I didn't know about patches. I thought he was just all white.
Q. Well, you discussed the skin disease with him, right.
A. Yes.
Q. You knew the skin disease was changing the color of his skin, right.
A. That's what he told me.
Q. And you knew that's why he put makeup on; true.
A. Not really. I thought it was just because 2054

he had, like -- because he -- he didn't have pink on his lips, so he would put makeup on his lips. I mean, I wasn't making fun of him yesterday, if that's what you are trying to say.
Q. You weren't making fun of him at all.
A. No.
Q. Okay. Now, you're aware, are you not, that you have until the age of 18 to file a lawsuit against Mr. Jackson if you choose to, correct.
A. No.
Q. You've never discussed that with your mother.
A. No.
Q. Never discussed that with Larry Feldman, the attorney.
A. No.
Q. And never discussed it with Bill Dickerman, the attorney.
A. No.
Q. Okay. You're also aware that if Mr. Jackson is convicted, you could automatically win that civil suit, right.
A. No.
Q. No one's ever discussed that with you.
A. No. We said things like, oh, we don't want his money, and stuff like that.
Q. Never discussed that issue with any attorney, right. 2055

A. No.
Q. First time you've heard about it.
A. About that I can -- you just told me now that I can sue him till I'm 18 or something like that. I didn't even know about that stuff.
Q. Didn't even know about that, right. And never heard your mother mention it.
A. No.
MR. MESEREAU: No further questions.
THE COURT: Redirect.
MR. SNEDDON: Yes.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Morning, Gavin.
A. Hey, Tom.
Q. I'm going to ask you just a few questions. It won't be long.
First of all, with regard to this particular case, Mr. Mesereau has asked you a lot of questions about did you have conversations with your brother and your mother and other people about what you've testified here in court today.
A. Uh-huh.
Q. Do you recall those questions.
A. Yes.
Q. And you said you did not.
A. Yes. 2056

Q. Were you given some instructions with regard to who you could talk to and who you couldn't talk to about this case.
A. You guys told us that we can't talk to anybody about this case. Well, our family and -- anyone that was, like, involved; you know what I mean.
Q. When were you told that.
A. When the case first started.
Q. So from the time you were first involved in the case till today, those were the instructions you were given.
A. Yes.
Q. And have you followed those instructions faithfully.
A. Yes.
Q. Mr. Mesereau asked you yesterday about the fact that when you went through chemotherapy you had some temporary memory loss and inability to concentrate at some points in time.
A. Yes.
Q. At the time that these events occurred at Neverland Ranch involving you and the defendant, Michael Jackson, were any of those effects from the chemotherapy still present with you.
A. No, they went away after a while.
Q. Do you remember Mr. Mesereau asking you about a video that was taken during one of your 2057

first trips to Neverland, with you and Mr. Jackson, when we saw the music “I’ll Be There”. Do you remember that one.
A. The one where he carried me and stuff.
Q. Yeah. Do you remember that video.
A. Yes.
Q. When was the first time you saw that video.
A. Um, it was probably -- I think they brought it to Chris at his house, and that was the first time I saw it.
Q. Who brought it to Chris.
A. I think it was -- or -- I don’t remember the first time. It could have been either at the hotel in Miami or at Chris’s house before we left. But I’m not sure.
Q. So up until the time -- that photograph was taken back in 2000 when you were just starting your chemotherapy, correct.
A. Yes.
Q. So from the time in 2000 when the video was produced until the time that you went to Miami, or shortly before Miami, with Chris Tucker, you had never been given a copy of that by Mr. Jackson.
A. No.
Q. Did Mr. Jackson ever visit you in the hospital when you were sick.
A. Never.
Q. Now, you told us that you had some telephone 2058

numbers for Mr. Jackson that had been given to you by Mr. Jackson or somebody else.
A. Yes.
Q. Who gave you the phone numbers.
A. It was usually Michael. But, like, Frank gave me his phone and he said that he was usually with Michael, so that I can call his phone and then he can give me Michael.
Q. Were there times when you called Frank's phone and got ahold of Mr. Jackson.
A. Yes.
Q. Now, did you have conversations with the defendant, Mr. Jackson, about his relationship with the person that you call Frank Tyson.
A. Yeah. Frank told me, like, he's like his --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. SNEDDON: You say you had a conversation.
A. Yeah. I had a conversation, yes.
Q. All right. Now, first of all, I want to ask you, did Mr. Jackson make statements about his relationship with Frank.
A. Yes.
MR. SNEDDON: Your Honor, offered under 1223.
MR. MESEREAU: Same objection.
THE COURT: I'll admit it. These are 2059

statements by Mr. Jackson.
MR. SNEDDON: They are, Your Honor. About his relationship with a co-conspirator.
THE COURT: All right. These are admitted conditionally, as the other statements were.
Q. BY MR. SNEDDON: Now, what did the defendant, Mr. Jackson, say about his relationship with Frank Tyson.
A. He told us that Frank was like his second cousin or something. And then that Michael would change his diapers when he was a baby, and stuff like that.
Q. So he had known him for a long, long time.
A. Yes.
Q. Now, when you testified, you were asked by Mr. Mesereau some questions concerning the Martin Bashir documentary. Do you recall that.
A. Yes.
Q. Now, what I want to ask you is, before you went to Miami and saw Mr. Jackson in Miami - okay. --
A. Uh-huh.
Q. -- what was it -- what portions of that video had you seen at anyplace.
A. I haven't seen it -- I didn't see it at all. I just saw news media talking about it, talking about a movie or something. I didn't really know what it was until I got to Miami. 2060

Q. So before you went to Miami you had heard media talking about it. Did you actually see any footage on T.V..
A. No.
Q. You just heard the voices.
A. Yes.
Q. When you got to Miami, did you see the Bashir video.
A. No, Michael didn't want us to see it in his hotel so --
Q. Did you see any parts of it.
A. No.
Q. Now, you told the ladies and gentlemen of the jury that when you went to Miami that you were upset with somebody over the Bashir documentary. Do you recall that.
A. Um --
Q. Actually, let me rephrase that. Mr. Mesereau asked you if your mother was upset with somebody when you went to Miami. Do you recall that.
A. Not really.
Q. Were you upset with anybody, or angry.
A. I was angry at -- kind of angry at Martin Bashir.
Q. At who.
A. Martin Bashir.
Q. Do you know what your mother's attitude was 2061

towards that, if you know.
A. I don't remember.
Q. Now, you told the ladies and gentlemen of the jury a few moments ago that when Mr. Mesereau asked you how you knew Mr. Jackson was in Miami, do you recall that question.
A. I'm sorry, can you repeat the question.
Q. I want to take you to that point in time with regard to where you -- when you learned that Mr. Jackson was in Miami.
A. Okay.
Q. Before you went to Miami.
A. Okay.
Q. Okay. Who was it that told you that Mr. Jackson was in Miami.
A. Michael. Evvy said that Michael's going to call me in a few minutes. Well, I told my mother. And then Michael called on the phone, and I picked up, and he told me that he was in Miami and he wanted me to go over there.
Q. Was that the first time that you learned that Mr. Jackson was in Miami.
A. Yes.
Q. And that's when he invited you to be a part of a press conference.
A. Yes.
Q. Just a couple of questions about things that happened at the ranch. You were questioned by Mr. 2062

Mesereau about the nanny named Grace. Do you recall that.
A. Yes.
Q. And about -- specifically about the area upstairs, where it had some -- a chalkboard and some tables and things.
A. Yes.
Q. During the time that you were at the ranch, did you ever see anybody other than Grace come in as a teacher to the children.
A. I think they switched -- I think Grace went away for a while. And then some other lady came.
Q. Do you know who that lady was.
A. No.
Q. Okay. Now, you've identified in one of the photographs a person by the name of Aldo. Do you recall that.
A. Yes.
Q. Was Aldo at the ranch during times that you were there with Mr. Jackson.
A. Yes.
Q. Do you recall when it was that you were there -- when -- Tuesday morning. Do you recall in relationship to when you and Mr. Jackson were there, what part of the visit was it that Aldo was there.
A. In the beginning.
Q. Now, there was a considerable amount of 2063

discussion about the codes that were needed to get into certain areas of the ranch.
A. Uh-huh.
Q. Do you recall that.
A. Yes.
Q. Now, with regard to the -- let's just run through this real quickly. With regard to the theater, did you need a code to get in there.
A. No.
Q. With regard to the arcade, did you need a code to get in there.
A. No.
Q. With regard to the main house, did you need a code to get in there.
A. Yes.
Q. In the front door.
A. No, in the back door. Oh, it was in the front door, I never really saw one. But, I mean, we always went through the back door.
Q. So there was a code that was necessary to know to get into the back door of the house.
A. Yes.
Q. And then there was a code to get into Mr. Jackson's bedroom, we've heard a great deal about.
A. Yes.
Q. Were there any other areas on the ranch that you know of that you needed a code to get into those areas. 2064

A. No, there was no other place.
Q. How about Mr. Jackson's office.
A. I don't really remember if there was a code needed to get in there. I don't think there was.
Q. When you went to Miami with Chris Tucker on his charter plane to meet Mr. Jackson, did you want to meet Mr. Jackson.
A. Yes.
Q. Gavin, when you testified in front of the grand jury, did you tell the truth.
A. Yes.
Q. And when you testified in front of the grand jury, were the things that you told the grand jury fresh in your mind at that time.
A. They were probably fresher.
MR. MESEREAU: Objection; leading.
MR. SNEDDON: Your Honor, I'm laying the foundation for an Evidence Code section exception.
THE COURT: All right. The objection is overruled. The answer was already in. Next question.
Q. BY MR. SNEDDON: Yesterday Mr. Mesereau showed you a number of cards, greeting cards, that were sent to Mr. Jackson by you and other members of your family.
A. Yes.
Q. Were some of those -- were any of those cards in handwritings other than yours. 2065

A. Yes. Some were mine.
Q. Yesterday you made a statement to the jury in response to one of Mr. Mesereau's statements. You made a statement something to the effect, "God gave me cancer to guide me in a certain way." Do you recall that.
A. Yes.
Q. What did you mean by that.
A. Well, through -- when I had cancer, I got really close to God.
And they had like missions all over the West Coast down to Mexico praying for me. They had -- I don't know. Something happened where they had a picture and they put on a wall.
And then my friend went to Israel and put a picture on this wall where they put, like, all these people that have, like, diseases and stuff like that.
And then -- I don't know. Because of my cancer, my parents started fighting more, I guess.
And -- I mean, it sounds kind of sad that they got divorced, but, I mean, it was kind of a window, I believe, to find my stepdad and -- because it's a lot better than it was before having my stepdad in my life.
Q. Now, you're currently in school, correct.
A. Yes.
Q. Just -- are you in school. 2066

A. Yes.
Q. You're in a high school.
A. Yes.
Q. What grade are you.
A. I'm in ninth grade.
Q. And yesterday you were asked -- I think you made the statement rather candidly, you were asked by Mr. Mesereau, were you a discipline problem, and you said yes, when you were at John Burroughs.
A. Yes.
Q. Okay. Currently in the high school that you're in, do you get good grades.
A. Yes.
Q. Did you make the honor roll.
A. Yes.
Q. Do you get in fights anymore.
A. No.
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled. The answer was "No."
Next question.
Q. BY MR. SNEDDON: Have you had any discipline problems.
A. No.
Q. Are you involved in after-school activities.
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. SNEDDON: During the time that you were -- let's go back just a second. In the year, I 2067

1 believe you testified 2001, at some point your
2 father left; is that correct.
3 A. Right after I was done with cancer, I didn't
4 see him anymore.
5 Q. What was the impact on you when your dad
6 left.
7 A. I cried every night.
8 Q. For -- why.
9 A. Because, I mean, I didn't have a dad
10 anymore. I mean, I was kind of happy that he left
11 because he hit my mom a lot, but I didn't -- I just
12 felt like I didn't have anybody. Any father; you
13 know what I mean.
14 Q. Yeah. And you don't feel that way anymore.
15 A. No.
16 Q. Because of.
17 MR. MESEREAU: Objection; relevance.
18 THE WITNESS: My stepdad.
19 THE COURT: Overruled.
20 THE WITNESS: Because of my stepdad.
21 Q. BY MR. SNEDDON: So it was the relationship
22 with your stepdad that changed that feeling.
23 A. Yes.
24 Q. So let's talk a little bit about some of the
25 things Mr. Mesereau talked about yesterday. Mr.
26 Geraldt. He talked about an incident where you had
27 a run-in with Mr. Geraldt that ended up you going to
28 see Mr. Alpert. Do you recall that. 2068

A. I don’t know if I saw Mr. Alpert, but I remember seeing a -- some -- someone that was in the office.
Q. Did you ever receive any discipline as a result of that incident with Mr. Geraldt.
A. No, I don’t think -- no, they never even did anything.
Q. Now, when you went back to school after you left Neverland Ranch - okay. --
A. Yes.
Q. -- March and April, you were at John Burroughs, correct.
A. Yes.
Q. Did -- what was -- what was it like when you went back to school.
A. All the kids would laugh at me and try to push me around and stuff, and say, “That’s the kid that got raped by Michael Jackson,” and stuff like that.
Q. Did -- what was your reaction to that.
A. I would sometimes not say anything and just walk away. And if they got close enough, sometimes I would fight them. After they hit me first, because I didn’t like to throw the first punch, because I believe that -- I mean --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: I’ll sustain the objection.
In the middle, “After they hit me first,” is where 2069

it stops.
MR. SNEDDON: Thank you, Your Honor.
Q. So there were fights that you got into after you left Neverland Valley Ranch because of the things that the kids were saying to you.
A. Yes.
Q. And when you get in a fight, what happens. Where do you have to go.
A. They took us to Dean Alpert.
Q. Now, you were asked yesterday whether you had a conversation with Dean Alpert where he asked you whether or not Mr. Jackson had touched you. Do you recall that.
A. Yes.
Q. And you recall that you probably told him it didn't happen, correct.
A. I told him that it didn't happen.
Q. Okay. You told him it didn't happen.
A. Yes.
Q. Okay. Why did you tell him that.
A. Because all the kids were already making fun of me in school, and I didn't want anybody to think that it really happened.
Q. Gavin, have you ever been a member of a gang.
A. No.
Q. Did anybody ever ask you to join a gang.
A. Yes. 2070

Q. What happened.
A. They jumped me because I said no. So I got in a fight with a bunch of guys.
Q. Because you wouldn't join a gang.
A. Yes.
Q. Almost done. Just a couple more easy questions and --
Mr. Mesereau asked you yesterday about going to Anchor Blue. Do you recall that.
A. Yes.
Q. How many times do you recall going to shop at Anchor Blue.
A. Once.
Q. Now, the suitcases that they bought you --
I just want to talk about you individually, okay. --
A. Okay.
Q. -- was it more than one.
A. It was -- like, they had this package thing where you would buy one, and they would have all -- they would have this big one, and in the inside it would be one smaller, and another one that was even smaller that was a carry-on bag.
Q. So you had a series of suitcases.
A. Yeah, and -- yes.
Q. And when you left Neverland, did you take all those suitcases with you, you personally.
A. I think I just took the -- no, I didn't take them. They -- after we left and we stopped -- we 2071

didn’t want to go back --
Q. Okay.
A. -- Frank and Vinnie showed up on our door and they were knocking on the door. And then we waited until they left, and we looked outside and our suitcases were there.
Q. Did you open your suitcase and go through it.
A. Yes.
Q. Was there anything missing.
A. Yeah.
Q. What.
A. Some of my underwear, some of my shirts, a couple pants, and stuff like that. And they put in some other guy’s pants.
Q. Did you ever have a conversation with the defendant in this case, Mr. Jackson, about your underpants.
A. Yes.
Q. Tell the jury about it.
MR. MESEREAU: Objection; beyond the scope.
THE COURT: Overruled.
THE WITNESS: There was one time that I slept in his room - and he was probably joking but I kind of took it serious - I had pajamas on and -- I was using his pajamas. And I told him I was going in to take a shower in my unit.
And then he was like, “Leave your stinking 2072

underwear in the hamper," or something like that.
And then so -- because I had to change out
of my clothes to go to my unit. And then I don't
know if he was joking or not, but I actually did.
Q. BY MR. SNEDDON: Did what.
A. Put my underwear in the hamper.
Q. Did you ever get those back.
A. No.
Q. With regard to the items that were dropped
at your -- at your door by Frank and Vinnie, that
was after you left Neverland for good.
A. Yes.
Q. Okay. Gavin, I just have one last question
to ask you: Yesterday in response to Mr. Mesereau's
questions, you told him that Mr. Jackson was like a
father figure to you; is that correct.
A. Michael Jackson.
Q. Yeah.
A. Yes.
Q. And that you thought he was one of the
coolest guys in the world, correct.
A. Yes.
Q. And that you admired him.
A. Well, I only admire God, but he was a pretty
cool guy.
Q. How do you feel about Mr. Jackson now in
light of what he did to you.
MR. MESEREAU: Objection. 352; relevance; 2073

leading.
THE COURT: Overruled.
THE WITNESS: I don't really like him anymore. I don't think he's really that deserving of the respect that I was giving him and as the coolest guy in the world.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: Recross.
MR. MESEREAU: Yes, please, Your Honor.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Arvizo, did you discuss your testimony of yesterday with anyone last evening.
A. No.
Q. Did you discuss any of it with Mr. Sneddon.
A. No.
Q. Was the last meeting you had with Mr. Sneddon Sunday night.
A. Yes.
Q. Did you discuss your testimony with any attorney or employee of an attorney last night.
A. No.
Q. Okay. Did anyone talk to you about what Mr. Sneddon was going to ask you today.
A. No.
Q. Okay. Now, did you have a meeting at a law office last Saturday. 2074

A. No.
Q. Anyone in your family go to a law office last Saturday, to your knowledge.
A. No.
Q. Never heard about it.
A. No.
Q. Okay. When is the last time you talked to any lawyer associated with Larry Feldman's office.
MR. SNEDDON: Your Honor, I'm going to object as beyond the scope of the redirect.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Arvizo, when you were having disciplinary problems at school, they went far beyond just fighting with students, didn't they.
A. No, it was everything that I told you. That's what happened.
Q. You were repeatedly accused of disrespecting teachers, right.
A. That's what I told you yesterday.
Q. Okay. And you didn't even show up for detention much of the time when you were ordered to, right.
A. No, I showed up at every detention.
Q. Well, do you recall never showing up for a detention that Teacher Parker ordered you to attend.
A. No.
Q. Don't recall that.
A. No. 2075

Q. Okay. You were accused of getting up in the middle of class and disrupting everything, right.
MR. SNEDDON: Your Honor, I'm going to object as asked and answered. We went through this yesterday.
THE COURT: Sustained.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: All right. Do you have anything further, Mr. Sneddon.
MR. SNEDDON: No, Your Honor.
THE COURT: You may step down.
Call your next witness.
MR. MESEREAU: Your Honor, may the witness be subject to re-call.
THE COURT: Yes. He's not excused.
MR. MESEREAU: Thank you, Your Honor.
MR. ZONEN: We'll call Officer Terry Flaa to the stand.
THE COURT: Remain standing. Face the clerk and raise your right hand.

TERRY FLAA
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record 2076

THE WITNESS: Yes. My name is Terry Flaa.
Last name spelling, F-l-a-a.
THE CLERK: Thank you.
MR. ZONEN: May I proceed, Your Honor.
THE COURT: Yes.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. What is your current occupation.
A. I'm a police officer employed by the Santa Maria Police Department.
Q. And you've been employed by Santa Maria Police Department for how long.
A. About 14 months.
Q. What is your current position with Santa Maria Police Department.
A. I'm a patrolman.
Q. Prior to your employment with Santa Maria Police Department, where were you employed.
A. I was with the Santa Barbara County Sheriff's Department.
Q. And for what period of time.
A. A little over -- around eight and a half years.
Q. And you moved from the sheriff's office in Santa Barbara County to Santa Maria Police Department.
A. Yes, I did. 2077

Q. And why did you do that.
A. I -- I'm from the Santa Maria area. It was an agency I always wanted to work for, and the opportunity was there, so I took that opportunity.
Q. And you are able to work closer to your home at this time.
A. Yes.
Q. All right. What was the position that you held at the time that you left the Santa Barbara County Sheriff's Office.
A. I was an investigator assigned to the vice and intelligence unit.
Q. Were you called upon to conduct an investigation of a referral that had come into the office.
A. Yes, I was.
Q. And do you know which one I'm referring to.
A. Yes, I do.
Q. All right. You have some sense of what case this is; is that correct.
A. I do.
Q. When was that referral. When did that referral come into the office.
A. It was assigned to me on February 20th.
Q. What was the nature of the referral.
A. The nature of the referral --
Q. Excuse me, February 20th of what year, please. 2078

A. I'm sorry. 2003.
Q. All right. What was the nature of the referral.
A. I had received two referrals. The first referral was from L.A. Department of Child & Family Services that stressed -- a caller had stressed concern over the welfare of Mr. Jackson's children. The second referral was in response to the February 6th, I believe it was, airing of the documentary regarding Mr. Jackson. And that referral revealed the identities of the children depicted, specifically of Gavin Arvizo.
Q. And what did you do in terms of conducting an investigation on that referral.
A. Well, the first thing that we did is I conferred with my immediate supervisor, Sergeant LeGault, and we were going to begin the process of interviewing the children. However, a few days later, on the 24th, I was advised that L.A. CWS -- or DCFS, pardon me, had already interviewed the Arvizo family.
Q. Do you know when that interview took place.
A. That interview took place on February 20th of 2003.
Q. Did you have a conversation with anybody from the Department of Child & Family Services in Los Angeles.
A. Yes, I did. 2079

Q. With whom did you have a conversation.
A. Her name was -- excuse me, Brenda Blackburn, who was a supervisor.
Q. Did she submit to you or forward to you any documentation of that interview.
A. No, she did not.
Q. Is there a report that they prepared with regards to that interview.
A. I was told that there was, yes.
Q. What did she tell you with regards to your being able to get possession of that report at that time.
A. At that time she told me that, due to confidentiality reasons, that the DCFS would not be able to forward that document to the sheriff's department.
Q. Did she relate to you the content of the document itself.
A. Yes. She did, however, explain that she would be able to read the report to me, and which she did.
Q. And did you tape-record that conversation.
A. Yes, I did.
Q. All right. Did she read to you, presumably, the report in its entirety.
A. According to what she told me, yes.
Q. What was the date that she read to you that report. 2080

A. March 13th, 2003.
Q. Now, did Miss Blackburn indicate to you that she was the one who actually interviewed the children.
A. No, she did not actually interview the children.
Q. So she was reading a report of interviews conducted by other workers.
A. Yes.
Q. Did she indicate the identity of those workers.
A. Yes. If I may, may I refer to my narrative to confirm that date of March 13th.
Q. Yes. Please go ahead.
A. Refresh my memory.
Q. Yes, go ahead.
A. Thank you.
THE COURT: After he does that, we will take our break.
THE WITNESS: I apologize. It was actually March 10th, 2003, that I spoke to Brenda Blackburn.
THE COURT: All right. Let's take our break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2021 through 2081 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 15, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 15, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 15, 2005

8:30 A.M.

(PAGES 2083 THROUGH 2242)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2083

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2
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21
22
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24
25
26
27
28 2084

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
FLAA, Terry	2089-SA	2113-Z	2116-SA	
KLAPAKIS, Jeff	2121-Z	2128-SA		
ROBEL, Steve (Re-called)	2142-SN	2173-SA		

1 E X H I B I T S
2
3 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
4
5 84 Photograph of magazines found in cardboard box 2157 2162
6 278 Photograph of cardboard 2157 2162
7 box
8 279 Diagram of bedroom 2166 2166
9 280 Brown evidence bag containing note 2168 2173
10 281 Star Arvizo's fingerprints
11 and palm prints 2170 2172
12 282 Gavin Arvizo's fingerprints and palm prints 2171 2172
13 283 Photograph of magazine 2157 2162
14 284 Photograph of book 2157 2162
15
16
17
18 DEFENDANT'S NO.
19 5034 Timeline (Terry Flaa) 2116 2119
20 5035 Timeline (Steve Robel) 2187 2198
21
22
23
24
25
26
27
28 2086

1 THE COURT: You may proceed, Counsel.
2 MR. ZONEN: Thank you, Your Honor.
3 Q. Officer Flaa, just a clarification, please.
4 You indicated the unit that you were assigned to at
5 the time that you left the sheriff's office was what
6 again.
7 A. That was the --
8 BAILIFF CORTEZ: Microphone, please.
9 MR. ZONEN: How's this.
10 A JUROR: Turn it on.
11 MR. ZONEN: How's this.
12 Q. The unit that you were assigned to at the
13 time you left the sheriff's office was which again.
14 A. The vice and the intelligence unit.
15 Q. Was that the unit that you were in at the
16 time that this referral came into the office back on
17 the 20th of February of 2003.
18 A. No, sir.
19 Q. What unit were you attached to at that time.
20 A. At that time I was a detective assigned to
21 the Criminal Investigations Division.
22 Q. All right. Now, you told us that when this
23 came in, you had a conversation with Brenda
24 Blackburn from the Department of Child & Family
25 Services in Los Angeles.
26 A. Yes, sir.
27 Q. Did you have a conversation with anybody
28 else. 2087

A. Yes, I did.
Q. With whom.
A. David Arvizo.
Q. All right. Who did you understand David Arvizo to be.
A. To be the father of the Arvizo siblings.
Q. Did you make a determination as to whether or not the children should be interviewed by the sheriff's department, Santa Barbara County Sheriff's Department, by you or some other designated detective.
A. After the interview with CWS.
Q. Yes, that's right. After CWS indicated to you that they had already done the interview.
A. We had made a determination that an interview would not be necessary.
Q. Was there any information that was given to you that there was a disclosure of child sexual abuse at all.
A. No, no information.
Q. And was there any further investigation conducted by the sheriff's office at that time.
A. No, there was not.
Q. Was the investigation closed at that time.
A. Yes, it was.
Q. The date of the interview with -- again, with Child -- I'm sorry, with Miss Blackburn was what date now. 2088

A. March 10th, 2003.
Q. And when was your interview with Mr. Arvizo.
A. March 13th, 2003.
MR. ZONEN: Thank you. I have no further
questions.
Oh, excuse me. One last question.
Q. Did you make a report of this.
A. Yes, I did.
Q. And did you indicate in your report the date
that the referral came in and the date of your
interviews.
A. I indicated the date that I received the
referral.
Q. And the date of your interview with Miss
Blackburn.
A. Yes, sir.
Q. All right. And did you also include with
it a -- the copy of the tape that you had of the
interview with Miss Blackburn.
A. Yes. I booked that in as evidence.
MR. ZONEN: Thank you.
No further questions.
THE COURT: Cross-examine.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Officer Flaa; is that correct.
A. That’s correct, Mr. Sanger. 2089

Q. First of all, you were with the sheriff's department for eight and a half years; is that correct.
A. Yes, sir.
Q. And what was the date that you terminated your services with the sheriff's department.
A. It was in the beginning of January, 2004. I don't recall the specific -- I think it was like January 2nd, that week.
Q. Now, you have told us that you went to the Santa Maria Police Department, right. That's where you are now.
A. Yes, sir.
Q. Did you not like your job as a detective in the intelligence and vice division.
A. Yes, I did.
Q. You liked it, okay.
A. Uh-huh.
Q. You filed a report, as you've just told us, saying that you found there was no criminal activity in this case; is that correct.
A. That's correct.
Q. And you filed that report on April the 16th, right.
A. Correct.
Q. You were aware that at some time later, there was a further investigation of this case; is that correct. 2090

A. Yes.
Q. Now, did you continue on in your capacity as a detective at the sheriff's department until you transferred or until you quit and went on to the Santa Maria Police Department.
A. Two different type of positions. It was -- I believe it was March of 2003, mid March - I think it was like March 20th, 2003 - is when I ended my tenure as a detective assigned to the Criminal Investigations Division and had the opportunity to assume the role as -- an undercover role with my vice and intelligence unit.
Q. Okay. When this investigation was reestablished -- do you know when it was reestablished.
A. No.
Q. Did you forward any documents, for instance, to Detective Zelis.
A. Any documents.
Q. Did you furnish any report to Detective Zelis.
A. They had my original report. I did not personally hand them a copy of the report.
Q. So you were not -- you were not assigned to continue the investigation that you started in this case; is that correct.
A. That's correct.
Q. And Detective Zelis started his 2091

investigation about June the 13th; is that right.
A. I don't know when he started it.
Q. Roughly sometime in June, is that your understanding, or you don't know at all.
A. I do not know what date the investigation commenced.
THE COURT: What year are you referring to, Counsel.
MR. SANGER: 2003.
Q. All right. Let's go back to the source of the referral in this case. You indicated you received a referral from two different places; is that right. Or -- or two different referrals. I'm sorry.
A. Yes, sir.
Q. And the information for those referrals came from two different places; is that correct.
A. That's my understanding.
Q. And you reviewed the referral documents; is that right.
A. Yes, I did.
Q. And the referral documents were from the Los Angeles Department of Children & Family Services, correct.
A. Yes, sir.
Q. And they call that the DCFS.
A. Yes, sir.
Q. Okay. 2092

A. My understanding.
Q. And that's sort of like what we call CPS here in Santa Barbara County.
A. Or CWS. They changed it. Child Welfare Services.
Q. So CPS, or now CWS, that's what we call it. They call it DCFS.
A. My understanding, yes.
Q. So you received the reports, the two reports, that were entitled "Suspected Child Abuse Report"; is that correct.
A. Yes.
Q. And the first report was actually generated by a Carol Lieberman; is that your understanding. Do you want to look at the report.
A. If I may, yes.
Q. Yes. And I believe you attached these two reports to your narrative report, did you not.
A. I did.
Q. Okay. I think it's page ten might help you.
A. Okay. Yes, I see that.
Q. All right. Now, let me just stop there for a moment and talk about your qualifications. You went to the academy, POST academy; is that correct.
A. That's correct.
Q. And the POST academy is a certification for an academy that can give training to -- official 2093

training to people who are going to become law enforcement officers in the State of California; is that correct.
A. Yes.
Q. Which POST academy did you go to.
A. I attended Allan Hancock College's academy.
Q. All right. And they have an official academy there. People can go there, learn to be police officers, and get a certification so that they can apply for the job; is that correct.
A. That's correct.
Q. And in the course of the academy, you take courses in investigation; is that correct.
A. Yes.
Q. You take courses in report writing.
A. Yes.
Q. And you basically learn how to take a case from the initial part of an investigation through as far as a police officer would take it; is that right.
A. The basic -- yes.
Q. Now, since your academy training, you also had other inservice training; is that correct.
A. Yes.
Q. And as of 2000 -- February -- March of 2003, how much inservice training had you had.
A. Would you like me to list the various types of training specific to this type of case work. 2094

Q. That would be fine.
A. Okay. I attended a 40-hour sexual assault investigator's course, a 24-hour child forensic interview course, an 80-hour homicide course that touched on, you know, sexual assault abuse aspects of homicide, as well as inservice training. There's been some eight-hour courses here and there for different aspects of this type of investigation.
Q. And as a police officer -- or, strike that -- as a deputy sheriff, before becoming a detective in the sheriff's department, did you have occasion to investigate cases related to child abuse.
A. Yes.
Q. And then when you became a detective, did you have occasion to investigate additional cases.
A. Yes, I did.
Q. And how long were you a detect -- excuse me. How long were you a detective as of March of 2003.
A. Four years. Roughly four years.
Q. Okay. So suffice it to say, you were an experienced detective with regard to suspected child abuse cases; is that correct.
A. Yes. I would say.
Q. And when you were assigned this case, you were aware, of course, that we were talking about the entertainer Michael Jackson; is that correct.
A. Yes. 2095

Q. And you were aware that there had been a good deal of media attention given to Mr. Jackson immediately preceding the time that you started your investigation; is that right.
A. Yes, that's correct.
Q. Okay. Now, we're going back to that question about Carol Lieberman. As an experienced child abuse investigator, when you have a complaining -- I'm sorry, when you have a reporting party, is it of interest to the investigator to know who the reporting party is.
A. Yes.
Q. Okay. And in your department, in the sheriff's department, did you call the reporting party an RP.
A. Yes.
Q. Okay. So the RP, the reporting party, is often what starts an investigation. Somebody calls in, they're an RP, and that starts your investigation, correct.
A. Correct.
Q. Particularly in child abuse -- suspected child abuse cases, knowing a good deal about the reporting party is generally useful to the investigation, correct.
A. That is correct.
Q. People may have all sorts of agendas when they call in a child abuse report; is that right. 2096

A. Excuse me. Yes. That's correct.
Q. I think there's some water there, if you want to --
A. Thank you.
Q. In this particular case, did you determine who Carol Lieberman was.
A. No.
Q. Were you aware that she has never met Michael Jackson.
A. No.
Q. Were you aware that she never met Michael Jackson's children.
A. If I may. Regarding that referral --
Q. Yes.
A. -- my investigative responsibility was not specifically this referral. It would have been -- the other would have been within our jurisdictional responsibility.
Q. Well, we're going to get to the other in a second.
A. So here, you know, I did not conduct any formal investigation into that referral's accusations.
Q. Okay. Now, I don't mean to argue with you, but I believe on direct you did say you had two referrals when you started your investigation, right.
A. There were two referrals that came in, yes, 2097

sir.
Q. And you knew this was an important case to investigate carefully, correct.
A. Right.
Q. And one of the referrals was from Carol Lieberman --
A. Yes.
Q. -- right.
Now, I understand what you just said about the second one, which we'll get to. But I'm asking you if you did any investigation on Carol Lieberman.
A. No, sir.
Q. Did you Google her name, run it on the Internet.
MR. ZONEN: Your Honor, I'll object. The witness has said he did not do an investigation of that referral.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Well, let me ask you, are you saying you did no investigation whatsoever with regard to this -- with regard to this report.
MR. ZONEN: Which report. Vague.
THE COURT: Sustained.
MR. SANGER: That's fine. Let me rephrase it.
Q. You indicated you had two referrals. And the first one was from Carol Lieberman, right.
A. I indicated there were -- two referrals had 2098

1 come in from DCFS, yes.
2 Q. So my question is, what, if anything, did
3 you do with regard to the first referral.
4 A. The one where you have stated Carol
5 Lieberman's the RP.
6 Q. Right.
7 A. Okay. Nothing.
8 Q. You read it.
9 A. Oh, I apologize. Yes, I read the referral
10 when it came in.
11 Q. Okay. And did you consider it as you
12 conducted your investigation.
13 A. No.
14 Q. So as far as you were concerned, this had no
15 significance whatsoever.
16 A. No, this would have been under CWS's, Child
17 Welfare Services', jurisdictional responsibility,
18 not mine, per se, based on the information in the
19 referral.
20 Q. And as an investigator, you didn't think it
21 was significant to find out who was making the
22 referral, why there was even a referral there.
23 A. Not for that specific referral.
24 Q. Okay. Now, the second referral that you
25 talked about is also attached to your reports; is
26 that correct.
27 A. That's correct.
28 Q. So we're talking about the same thing here. 2099

1 And the second referral, this is the one
2 you're saying now was the focus of your
3 investigation.
4 A. Yes.
5 Q. And in this referral -- let me withdraw
6 that.
7 This referral comes from a director or
8 somebody in the administration of the L.A School
9 District; is that correct.
10 A. That's correct.
11 Q. And in the referral, the DCSF people
12 indicate that the -- Attorney Gloria Allred had
13 complained to Santa Barbara County officials
14 regarding the Bashir tape; is that correct.
15 Second to the last paragraph, page 15.
16 A. Yes.
17 Q. Okay. And do you know who Gloria Allred is.
18 A. Yes.
19 Q. She's a lawyer in Los Angeles; is that
20 correct.
21 A. That's correct.
22 Q. Tends to get on television a lot; is that
23 correct.
24 A. Yes.
25 Q. All right. And she has -- in the course of
26 your investigation, you determined she had
27 absolutely no firsthand information whatsoever with
28 regard to Michael Jackson or any of this; is that 2100

1 correct.
2 A. I did not attempt to make any type of --
3 that type of determination.
4 Q. All right. So the second report basically
5 was a revelation by the school district that they
6 had a belief that the people in the Bashir film were
7 students in the L.A. Unified School District; is
8 that correct.
9 A. Correct.
10 Q. And they identified the people by name; that
11 is, Gavin and Star Arvizo; is that correct.
12 A. That's correct.
13 Q. All right. Now, when you refer -- excuse
14 me.
15 When you reviewed these two reports -- let
16 me withdraw that.
17 Other than these two reports, did you have
18 any other information to commence your
19 investigation.
20 A. No.
21 Q. All right. Did you talk with Mr. Sneddon
22 about the case.
23 A. No, I did not.
24 Q. Did you talk to any other people in your
25 department about the case.
26 A. Yes.
27 Q. Now, you talked to Lieutenant Klapakis; is
28 that correct. 2101

A. Yes.
Q. All right. And in the course of talking to Lieutenant Klapakis, you and he decided that you should attempt to interview the children, Gavin and Star Arvizo; is that right.
A. Actually, that conversation would have been between my immediate supervisor at the time, who was Sergeant LeGault, and myself. We had that conversation. We have a chain of command to follow, and Lieutenant Klapakis was Sergeant LeGault's supervisor. All of ours, but within that chain of command.
Q. All right. So let's pin this down a little bit. Did you talk to Lieutenant Klapakis yourself about interviewing the children.
A. I do not recall if I specifically spoke to Lieutenant Klapakis directly. I know that most of my communications were with Sergeant LeGault. So -- and understand, their offices are right next to each other. My desk was virtually in earshot of both offices, so he very well could have been party to one of the conversations.
Q. Okay. So you see -- you would see -- at the time, in February and March and April of 2003, you would see Lieutenant Klapakis on a regular basis, correct.
A. Correct.
Q. All right. Do you recall testifying at the 2102

1 grand jury in this case.
2 A. I do.
3 Q. Do you, by any chance, have your grand jury
4 testimony there in front of you.
5 A. I do.
6 Q. Let me just ask you to do this: Why don't
7 you take a look at your testimony. You're welcome
8 to read the whole thing if you'd like. I'm going to
9 ask you to direct your attention to pages 1440,
10 starting at about line 20, going through 1441, line
11 16.
12 And I'm going to ask you to just read that
13 to yourself and see if that refreshes your
14 recollection as to whether or not you talked to
15 Lieutenant Klapakis directly.
16 A. You said line 20 on page 1440.
17 Q. 1440, start there. But -- you can start
18 wherever you want, but that's where I'd like you to
19 focus on. And going on to the next page.
20 A. Okay.
21 Q. All right. Does that refresh your
22 recollection that you had talked with Lieutenant
23 Klapakis about interviewing the children.
24 A. Like I said, in reading that, it doesn't say
25 I specifically told Lieutenant Klapakis. I know
26 that the decision -- that the decisions that I was
27 informed of were handed down by Lieutenant Klapakis,
28 my supervisor. 2103

And, you know, understand, please, that
Sergeant LeGault is within that chain of command.
Q. All right.
A. So --
Q. Well, in any event, if LeGault was there --
in other words, you can't tell us for sure whether
you heard directly from Klapakis or not. It may
have gone through LeGault; is that correct.
A. That's exactly what I'm saying.
Q. All right. So when you said at the grand
jury, "It was during that time that Lieutenant
Klapakis had advised us that he contacted L.A. CPS,"
that could have meant that Lieutenant Klapakis told
you directly, or told Sergeant LeGault, or told both
of you.
A. That's correct. However, I'm not reading --
I don't see what you just said.
Q. 1441, lines 12 through 14.
A. It could very well have been where Sergeant
LeGault and I were together, yes.
Q. Now, the point of this --
A. I'm sure there's one.
Q. There is a point, I hope.
The point of this is at some point, either
directly through Klapakis or through LeGault, among
the three of you at some point it was determined
that the -- that you should interview these
children, right. 2104

A. Yes.
Q. Okay. And then at some point, Lieutenant Klapakis said he contacted Los Angeles CPS, right.
A. I was informed that he had contacted CPS, yes.
Q. Okay. And when we say "L.A. CPS," we're really meaning L.A. DCFS, right.
A. Yes, we are.
Q. Those are kind of used interchangeably by Santa Barbarans.
A. I believe it's the same type of agency.
Q. All right. So the first point is, you were -- you were told that Lieutenant Klapakis contacted the L.A. DCFS, right.
A. Yes, sir.
Q. And you were told that he instructed them, or had them interview the children; is that what you were told.
A. I was -- I was told that he had submitted a request to them to interview the children.
Q. Now -- and then you found out that, in fact, they did interview the children.
A. I did, yes.
Q. Because that's what the DCFS worker read to you over the phone.
A. Correct.
Q. Okay. Were you aware that Lieutenant Klapakis, in fact, called the DCFS supervisor and 2105

told her not to interview the children.
A. Yes.
Q. And, in fact, the DCFS supervisor said,
“You’re too late, we already did it”.
A. Yes.
Q. Okay. Now, after -- let me withdraw that.
You -- you then relied upon the DCSF workers
as to the contents of their interview with the
children; is that correct.
A. That’s correct.
Q. And you also relied upon them, as fellow
professionals, to have done a fairly thorough job in
interviewing the children; is that correct.
A. That would have been my hope, yes.
Q. And, in fact, what they told you was very
detailed. They had asked a lot of very detailed
questions of the children and the mother, Janet
Arvizo; is that correct.
A. I can only tell you what Brenda Blackburn
informed me, what she read to me in that report.
As far as what exact exchange occurred between the
interviews and the children, I do not know. I was
not present.
Q. I understand that. But as the lead
investigator on this case involving Mr. Michael
Jackson and these allegations, you were at that time
concerned that there had been a thorough interview;
is that right. 2106

A. I was concerned that there had been.
Q. In other words -- in other words, if you had felt there wasn't a thorough interview, if you felt that, you know, they'd done a drive-by or got on the phone for a minute and said, "It's close enough," you would have said, "No, that's not sufficient. We need to do a further interview, either they do or we do," right.
A. Me personally, yes. But you have to understand, in this situation those decisions were not being made by me as the lead investigator. They were being made by my -- by Lieutenant Klapakis or the administration.
Q. Okay.
A. So I was informed that they had interviewed the children. She read me the content of what supposedly that interview -- what transpired during that interview. And we had to go on on -- based on that.
Q. Now, when you say "we had to go on that," let's -- let's talk about that for a second.
A. Okay.
Q. You were the lead investigator in this case, correct.
A. I was the assigned investigator, yes.
Q. Assigned investigator. And in your department, you call it "assigned investigator," is that -- 2107

A. “Lead investigator” is a term that’s commonly used.
Q. Okay. “Lead investigator.” I just want to use the right words, okay. This will come up again, and we can spend less time with another witness if we just explore this.
A. Okay.
Q. As lead investigator, it’s your understanding, in any case if you’re lead investigator, you’re responsible to collect all the evidence and make sure all the reports are written, and submit the case; is that correct.
A. That’s correct.
Q. All right. Now, you have a chain of command --
A. Yes.
Q. -- right.
And in the chain of command at that particular time, in your direct chain of command, you had Sergeant LeGault and you had Lieutenant Klapakis, right.
A. Correct.
Q. The -- the people in the chain of command who are above you in the chain of command can give you instructions and orders; is that correct.
A. That’s correct.
Q. However, it is expected and was expected, in February, March and April of 2003, that any lead 2108

investigator on a case take full responsibility for evaluating the evidence and making appropriate recommendations; is that correct.
A. That's correct.
Q. All right. And after you heard from Miss Blackburn -- let me withdraw that.
You heard from Miss Blackburn that there were, in fact, three social workers who went to the home; is that right.
A. That's correct.
Q. And that they talked to -- not only to Star Arvizo and Gavin Arvizo, but they talked to their sister Davellin, and they also talked to the mother, Janet; is that correct.
A. That's correct.
Q. All right. And after you received that information, you then talked to the father of the children; is that correct.
A. Yes.
Q. That was David Arvizo.
A. That's correct.
Q. And he told you that he had been subject to a restraining order, so he hadn't been able to talk with his children for a period of time; is that correct.
A. Yes.
Q. But he also said that he had been --
MR. ZONEN: I'm going to object as hearsay. 2109

THE COURT: Sustained.
Q. BY MR. SANGER: In general, he told you the background.
MR. ZONEN: I'm going to object as hearsay.
THE COURT: Sustained.
MR. SANGER: All right. It's not offered for the truth. It's offered with regard to his opinion.
THE COURT: Sustained.
MR. SANGER: Okay.
Q. In any event, after you talked to David Arvizo, did you make a recommendation to your superiors that any further investigation occur in this case.
A. That was the final conclusion, yes.
Q. The final conclusion was that no further investigation --
A. Correct. No further investigation.
Q. So you did not make a recommendation to your superiors that there be further investigation.
A. Not at that time, based on the information we had received.
Q. And, in fact, your conclusion in your report was that there was no criminal activity; is that correct.
A. That's correct.
Mr. Sanger.
Q. Yes. 2110

A. If I can clarify something.
You kind of provided a broad time frame when you said February, March, April. And in fact -- and then you talked about that no crime occurred within that time frame. That's not what I'm stating, nor is that what my report states.
It was as of the interview on February 20th. I cannot account for what happened, what may have been said by any of the Arvizos after the interview with DCFS.
Q. See, I was going to sit down, but now I have to ask you some more questions.
A. I'm sorry, I needed to clarify that, because that was a very broad three-month time frame.
Q. That's fine.
You submitted your report April 16th; is that correct.
A. If I may look at the face page.
Q. Yes, please.
A. Yes, that's when I took it to the supervisor for approval.
Q. And the referral that you had, as an experienced child abuse investigator, the material you had suggested that a child abuse investigation be commenced; is that correct.
A. Yes.
Q. And the information that you had from DCFS, you're telling us, was as of February 20th; is that 2111

correct.
A. The date of the interview.
Q. That was the --
A. Yes.
Q. That was the information you had from them.
You understood it took place on February 20th.
A. Yes.
Q. And then you had information March 13th from
an interview with David Arvizo, correct.
A. I had spoken to Mr. Arvizo on that date,
yes.
Q. So as of the -- as of the time that you
submitted your report, you had no evidence of
criminal activity; is that correct.
A. Based on -- yes.
Q. I understand. But you were assigned the
case, and if you thought there was some reason to
investigate beyond the reports that you received
from Miss Blackburn and Mr. Arvizo, you would have
done that, right.
A. Correct.
MR. SANGER: All right. Okay. I have no
further questions. Thank you.
MR. ZONEN: Just a couple, Your Honor.
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// 2112

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Just a moment of clarification, if I could,
Officer Flaa.
There were two referrals that came in. And
the first one you said you did no investigation on.
That was the referral of which, please.
A. That was the referral where the reporting
party indicated that they were aware of emotional
abuse by Mr. Jackson toward his children.
Q. All right. Who handled that referral.
Where did that one go to.
MR. SANGER: Objection; calls for
speculation.
MR. ZONEN: If he knows.
THE COURT: Well, he -- the foundation is
sustained.
MR. ZONEN: All right.
Q. Do you know what becomes of different
referrals; in other words, how they're distributed
through the investigative bodies and agencies in
Santa Barbara County.
A. Yes.
Q. Okay. And how are they distributed.
A. Well, a referral such as that, where there's
no apparent criminal on the surface, and there's no
criminal accusations per se, and it's an in-home
abuse situation, would be referred out to Child 2113

Welfare Services, and they would assume
jurisdictional responsibility for that type of
investigation.
Q. And did that happen as to the first
referral.
A. That I do not know.
Q. All right. But it was not a referral that
went -- in other words, the copy that you received
was simply a copy. This was a referral to Child
Protective Services.
A. Correct.
MR. SANGER: Objection. Leading, Your
Honor, and compound.
THE COURT: Sustained.
Q. BY MR. ZONEN: Tell us about the report that
you received. Was it an original or was it a copy.
A. It was a copy.
Q. To whom was it addressed, then.
A. I don't know. It was given -- I was given a
copy by Lieutenant Kla -- or Sergeant LeGault.
Q. In any event, your investigation was limited
to the second referral.
A. Yes, sir.
Q. And that involved which children. Identify
them, please.
A. Yes. Gavin Arvizo. Star Arvizo. And
then - I know that I'm going to mispronounce this -
Davelian, I believe it is. Davelian Arvizo. 2114

Q. That's close.
A. Okay.
Q. All right. The dates that we're talking about, please, you already told us that it was the 20th when the interview was done in Los Angeles, the 20th of February, 2003. And the date that you said you had your conversation with Miss Blackburn was the 11th of March, 2003.
A. March 10th, 2003.
Q. I'm sorry, March 10th, 2003. When was it determined that the investigation would be closed.
A. After my conversation with Mr. Arvizo.
Q. And that was.
A. March 13th, 2003.
Q. And you had briefed your supervisor, Sergeant LeGault, of your findings; is that correct.
A. Yes.
Q. And that included a copy of the -- tape-recorded copy of the conversation with Miss Blackburn.
A. Correct.
Q. Did we ever -- "we." Did the sheriff's office ever receive, to your knowledge, while you were handling this matter, the actual written report of the Child Protective Services -- excuse me, the Department of Child & Family Services report that was generated in Los Angeles with regards to their 2115

1 interview of these two children, or three children.
2 A. Not that I'm aware of, no.
3 MR. ZONEN: Thank you. I have no further
4 questions.
5 THE COURT: Mr. Sanger.
6
7 RECROSS-EXAMINATION
8 BY MR. SANGER:
9 Q. We've talked about this timeline. And
10 again, we're starting with you here, so I'm going to
11 ask you to take a look at a piece of paper.
12 And with the Court's permission -- I'll give
13 one to counsel here. With the Court's permission,
14 I'd like to approach the witness and --
15 THE COURT: All right.
16 Q. BY MR. SANGER: Do you have a pen.
17 THE COURT: This is shown for refreshment of
18 memory.
19 MR. SANGER: No, what I'm going to do is ask
20 that the piece of paper that I've given the witness
21 be marked as defense next in order, which is 50 --
22 THE CLERK: 34.
23 MR. SANGER: 5034. And hopefully this will
24 help avoid confusion, but we'll see.
25 Q. First of all, Officer, do you recognize that
26 as being a timeline, just generally a linear
27 calendar.
28 A. A blank timeline. 2116

1 Q. Blank timeline, yes.
2 And -- all right. What I'm going to do is
3 just ask you -- Mr. Zonen was asking you some
4 questions about the timing on --
5 A. Sure.
6 Q. -- redirect there. So let's just get it on
7 paper.
8 First of all, if you'd put your name up on
9 the top. There's a line that says "Witness." And
10 then you can indicate on the timeline when you
11 received your referral.
12 A. Circle the date.
13 Q. Yeah, just write, perhaps above it, just
14 "Received Referral." Whatever you -- whatever will
15 help us to see this.
16 And then you can circle the date and write
17 above it the date that you understood the DCFS
18 interview took place.
19 You told us you understood that was on the
20 20th, I believe; is that right.
21 A. It was actually the same date that I got
22 the --
23 Q. Okay. Then just put "DCFS Interview" as
24 well.
25 And then indicate the date that you
26 contacted David Arvizo.
27 And then just before that I think is the
28 date you actually spoke to the DCFS supervisor, 2117

which I believe you said was on the 10th.
A. Yes, sir.
Q. All right. And then I believe you indicated that there was a date that you found out that the Arvizo children had already been interviewed. I don't think you told us the date. But was that on 2-24.
A. Yes, it was.
Q. Why don't you just indicate that on there. And then off that particular chart, you have the date of April 16, which is the date you wrote your report; is that correct.
That's off the chart, so it would be at the end. Would you just make a note, an arrow or something, and just put "4-16".
Is that chart now illustrative of your testimony. Does that work for you.
A. As far as the timeline, yes.
Q. Pretty much tell us about the timeline.
A. Yes, sir.
MR. SANGER: Your Honor, in fact, perhaps Deputy Avila could just bring that back with her so I don't have to approach, if that's all right.
THE BAILIFF: I figured you were going to say that.
MR. ZONEN: May I see that, please.
MR. SANGER: Certainly.
MR. ZONEN: Thank you. 2118

MR. SANGER: Your Honor, I'd move this into evidence.
MR. ZONEN: No objection.
THE COURT: It's admitted.
MR. SANGER: I'd like to publish it, if I could, please.
Would Your Honor hit the --
THE COURT: We need "Input 4," right.
THE WITNESS: Pardon my scribbling.
MR. SANGER: Ah-hah, there's my hand. Oops.
Q. We have 5034 on the screen there. And somebody had a laser pointer, but I don't know where it is. But I think this is simple enough, and let's just do it this way: You've indicated there just what we went over.
The date that you got the request, or the referral, on the 20th of February, 2003, which is also, it turns out coincidentally, to be the date of the DCFS interviews, correct.
A. That's correct.
Q. And then you were told of -- actually, I can't read it. What's on the 24th.
A. It says, "Detective Flaa" -- excuse me, "Detective Flaa learned of the interview," or the DCSF interviews.
Q. Thank you. That's when you learned of the interviews.
And on the 10th of March, that's when you 2119

basically were read the interviews by Miss
Blackburn; is that correct.
A. Correct.
Q. And then the 13th is when you did your
interview with Mr. David Arvizo, correct.
A. Correct.
Q. And then down at the bottom, it's off the
chart, but 4-16-03 is when you submitted your
report; is that correct.
A. That's correct.
MR. SANGER: Okay. Thank you.
I have no further questions.
MR. ZONEN: I have no questions, Your Honor.
THE COURT: All right.
Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
MR. ZONEN: We'll call Lieutenant Klapakis
to the stand.
THE COURT: When you get to the witness
stand, remain standing. Face the clerk and raise
your right hand.

JEFF KLAPAKIS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and
spell your name for the record. 2120

THE WITNESS: My name is Jeff Klapakis.
It's K-l-a, P as in Paul, a-k-i-s.
THE CLERK: Thank you.
MR. ZONEN: May I proceed.
THE COURT: Yes.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Sir, what is your current occupation.
A. I'm a lieutenant with the Santa Barbara Sheriff's Office.
Q. What is your responsibilities, your current assignment.
A. I am in charge of the Criminal Investigations Bureau within the North County of Santa Barbara.
Q. We have to admonish everybody that that microphone has to be pretty close to your mouth to be heard anywhere, if you would, please.
A. Okay.
Q. What does that mean. What are your actual assignments and responsibilities. What do you do as part of your job.
A. Any reports of criminal activity are sent to my bureau, and they are sent out to detectives to further investigate them.
Q. And who works under you. Who do you supervise. 2121

A. I supervise sergeants, who then supervise other detectives.
Q. All right. Were you involved in any of the decisions regarding the referrals that came in back in February 2003 regarding Mr. Jackson, specifically involving children of the Arvizo family, as well as the second referral involving his own children.
A. Yes.
Q. What was your involvement in that.
A. I received the referrals and contacted our local office of the Child Protective Services, in hopes of making contact with the Los Angeles office of Child Protective Services, which I believe is called DCFS.
Q. All right. Was this assigned to an investigator.
A. Yes.
Q. And who was the investigator.
A. Detective Flaa.
Q. Do you know when that investigation took place.
A. Yes. It was around the second or third week of February. I believe it was February 18th or the 20th, somewhere in there.
Q. Did you at any time place a telephone call to any agency, child protective agency, specifically in Los Angeles.
A. Well, I first contacted Lompoc, in hopes of 2122

getting in touch with Los Angeles.
Q. Why Lompoc.
A. Well, they were our local office. We had worked with them before in similar-type cases. The referrals indicated that the potential person involved in the referral lived in Los Angeles, so I thought that might be the more prudent action.
Q. All right. Let me ask it again. I'm not sure I understand.
Why Lompoc. If the person lived in Los Angeles, why did you contact the Lompoc office as opposed to the Santa Maria office or Santa Barbara office.
A. Well, I thought that they would have contact numbers for them. They may know some people that we could contact. And much like I would call a law enforcement agency, having contact with them, that's why I chose to go through them first.
Q. All right. And was that before or after you assigned Detective Flaa to this investigation.
A. That was before.
Q. All right. Did you contact Child Protective Services in Los Angeles at all. Did you have any communication with them.
A. Yes, I believe I did. Sometime after the 20th.
Q. Did you at any time instruct them that they should not interview the Arvizo children. 2123

A. I actually made that call to Lompoc CPS and hoped -- because I had not gotten a phone number for L.A. at that point in time. We're talking about a period of a couple of days.
Q. Okay.
A. And I was -- I believe that was on February 20th.
Q. All right.
A. At about eleven o'clock.
Q. All right. So the question specifically is, did you tell somebody in some child protective organization not to interview the children.
A. Yes, I did.
Q. Who was the organization.
A. Lompoc.
Q. Why did you instruct them accordingly.
A. At that point in time, I had discussed it with Detective Flaa and then Sergeant LeGault, and we felt it would be more prudent for us to go down and conduct the interview ourself.
Q. All right. It was in deference to your doing the interview or you having one of your detectives doing the interview.
A. Right.
Q. At some point in time, did you make the determination or did somebody from your office make the determination not to do an interview at all.
A. Yes, I did. 2124

1 Q. And when was that decision made.
2 A. After Detective Flaa had contacted the Los
3 Angeles office of the DCFS and was able to extract
4 their information on their investigation, that they
5 had closed their investigation.
6 Q. Were you familiar, or were you made familiar
7 with the information that was furnished to Detective
8 Flaa by the Child Protective Services agency in Los
9 Angeles.
10 A. Yes, I was.
11 Q. Did he actually tape-record that
12 conversation.
13 A. Yes.
14 Q. Did you listen to that tape-recording.
15 A. I read the transcript, I believe.
16 Q. A transcript was prepared at that time.
17 A. Yes.
18 Q. All right. Are we still talking back in
19 February and March of 2003.
20 A. It was March 2003.
21 Q. All right. So you became aware of that
22 interview in its entirety, the interview between
23 Detective Flaa and Brenda Blackburn of the
24 Department of Child Family Services in Los Angeles.
25 A. That's correct.
26 Q. The two different names has plagued us from
27 the beginning of this case, hasn't it.
28 A. Right. 2125

Q. When was it that you made the determination -- strike that.
Were you the one who made the determination not to pursue an investigation any further.
A. Yes.
Q. All right. When was that decision made.
A. After we had talked with Miss Blackburn, and also after I instructed Detective Flaa to contact the estranged father of the boy.
Q. And his name is.
A. David Arvizo.
Q. All right. At some point in time was this investigation reactivated.
A. Yes.
Q. All right. Without getting into the detail of the conversations, what was the event that caused it to be reactivated.
A. I received a phone call from Larry Feldman.
Q. All right. And did that cause you to pursue other investigation at that point.
A. Yes.
Q. Was an investigative team assembled at that time.
A. Yes.
Q. And who was the lead investigator selected at that time.
A. Sergeant Steve Robel.
Q. When was that done, do you recall. The 2126

conversation with Larry Feldman.
A. I believe it was late June or early July 2003.
Q. Did Mr. Feldman tell you why he was contacting you.
A. Yes.
Q. And what did he say.
A. He indicated that the young boy and his brother had talked to a Dr. Katz in Los Angeles, and that they had made some --
MR. SANGER: I'm going to object to a narrative, and it's calling for hearsay.
MR. ZONEN: I'm going to withdraw the question and rephrase it.
THE COURT: I'll sustain the objection and strike the answer.
MR. SANGER: Thank you.
Q. BY MR. ZONEN: Did you refer him at any time to Child Protective Services - Mr. Feldman.
A. I don't believe so.
Q. Did he indicate to you that he had contacted Child Protective Services.
MR. SANGER: That would call for hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did he tell you who referred you to him -- who referred him to you.
A. Mr. Sneddon.
MR. ZONEN: Thank you. 2127

I have no further questions.
THE COURT: Cross-examine.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Lieutenant, how are you.
A. Fine, sir.
Q. You originally -- let me withdraw that.
You said you had called the Lompoc CPS,
Child Protective Services, right.
A. Yes.
Q. And is that the Child Protective Services
office that would have jurisdiction over the Santa
Ynez Valley.
A. I believe so.
Q. Okay. Mr. Jackson, Michael Jackson, my
client, has a ranch in Santa Ynez Valley; is that
correct.
A. Yes.
Q. And you were aware of that at the time; is
that right.
A. Yes.
Q. Okay. Did you discuss with the CPS people
in Lompoc doing an investigation of either of the
suspected child abuse reports that came from Los
Angeles.
A. Yes, I believe we did discuss the referrals.
Q. So there were two referrals, right. 2128

A. Yes.
Q. We're going to refer to the first one. Not that they have any priority, I suppose. But the first one was a referral in which the reporting party was Carol Lieberman; is that correct.
A. I believe that was the first one.
Q. And you are aware that Carol Lieberman was a psychologist who was getting a lot of time on television around that time; is that correct.
A. I wasn't aware of her prior to receiving the referral.
Q. After you received the referral, did you make that determination, that she had been becoming a television personality over complaints about Michael Jackson.
A. Well, I believe the referral indicated that she planned to have a news conference.
Q. In fact, she did.
A. I'm unaware of that.
Q. She was even alerting everybody that she was going to have -- on a particular date - I think it was a day or two after - she was going to have a news conference, right.
MR. ZONEN: I'm going to object as assuming facts not in evidence and lack of foundation.
MR. SANGER: I'll withdraw it. We can look at the report if that would help.
Q. Okay. The report indicated that actually 2129

Miss Lieberman, the next day, the following day, the day following her report, intended to have a press conference; is that correct.
A. I believe that's what it indicates. I'm not looking at it right now.
Q. Okay. You're welcome to do that. I can show you a copy of that.
A. I believe I have one.
Q. Do you have it.
A. Yes.
Q. Please take a look.
A. Yes, it does say the next day.
Q. All right. All right. And how long have you been a sheriff.
A. 25 years.
Q. All right. And without going into all the detail, you went to the academy.
A. Yes.
Q. Which academy.
A. Allan Hancock.
Q. All right. You got a good education there; is that right.
A. Yes.
Q. And you've had a lot of inservice training since then; is that correct.
A. Yes.
Q. And you've investigated suspected child abuse reports on many occasions in your career as a 2130

deputy sheriff and as a detective and eventually on up the ladder; is that correct.
A. Primary aspects of it, yes.
Q. And you're well aware that the nature of the report, including the who the reporting party is, is a significant factor to evaluate in a suspected child abuse case; is that correct.
A. I believe you take the totality of any circumstances.
Q. But specifically the RP, an RP can have an agenda, right.
A. Yes, they can.
Q. Okay. And in the second report, there's also reference to Gloria Allred; is that correct.
A. That same report.
Q. The second suspected child abuse report from L.A. DCFS.
A. Are you referring to the one that the reporting party was a Mr. Tash.
Q. That's correct.
A. Yes. She's -- she's mentioned in that.
Q. All right. And you're aware that Gloria Allred is an L.A. lawyer who spends a lot of time on television, correct.
A. Yes, I'm aware of Miss Allred.
Q. And from your understanding of these reports, none of the reporting parties had any personal knowledge of Michael Jackson or his 2131

involvement with his own children or other children;
is that correct.
A. Personal knowledge, no.
Q. Okay. Now, do you know if Santa Barbara
Child Protective Services, that being evidently the
Lompoc CPS office, do you know if they did anything
to follow up on an investigation of either one of
these reports.
A. I believe that when they received the
referral, and I believe it was the first one, they
sent it to L.A. DCFS, because the -- the boy lived
in Los Angeles.
Q. All right. Now, the first referral, though,
was with regard to -- from Carol Lieberman was with
regard to Mr. Jackson and his own children; is that
correct.
A. I'm sorry, maybe I have that mistaken.
It's -- one of them, I think that they made contact
with -- with L.A. because -- probably after the
second one.
Q. So the first report -- just based on what
you were telling Mr. Zonen, the first report would
be within their jurisdiction if there was anything
there to investigate; is that correct.
A. Santa Barbara County.
Q. Yes.
A. Yes, it would, based on where Mr. Jackson
lives. 2132

Q. All right. And if there was any criminal activity related to that first report, that would be within the jurisdiction of the Santa Barbara Sheriff's Department, particularly your office in Santa Maria for the North County; is that correct.
A. That's correct.
Q. All right. Now, I do want to try to clear up one point here.
I think you said that you asked the Lompoc CPS office not to interview Star and Gavin Arvizo.
A. My recollection is, is that I made contact with Lompoc to either give me a number to contact Los Angeles or to pass the request to Los Angeles. But I was advised that I was too late.
Q. Okay. Do you recall speaking directly with Miss Blackburn in Los Angeles and asking her not to interview the children.
A. I'm not -- it's possible that I did talk to Miss Blackburn in person, yes.
Q. Do you recall her telling you, "It's too late. We already interviewed them".
A. I am -- I did receive that information. Who I received it from, I can't tell you right now.
Q. Okay. All right. Now, in your experience as a -- an investigator or detective and eventually, can we say, an administrator, or is that not a good thing to say.
A. That's fair. 2133

Q. So in your experience as a lieutenant and everywhere on the way up, you understood this to be a sensitive case; is that correct.
A. Yes.
Q. And you understood -- you understood it to be potentially a big case, significant case, correct.
A. Yes.
Q. When -- when Detective Flaa concluded his investigation, did he inform you that it was his opinion that no further investigation was necessary.
A. I believe that we collaborated on it, discussing it, yes.
Q. So you talked with him.
A. And Sergeant LeGault.
Q. And Sergeant LeGault.
A. Right.
Q. So basically all three of you agreed that no further investigation was necessary in this case.
A. Based on the information that we had received from Miss Blackburn, our assumption of that investigation and as well as our interview of David Arvizo, that was the decision I made, yes.
Q. Just by the way, this may not be significant, but evidently there's a Sergeant Kooperman.
A. Koopmann.
Q. Koopmann. I do that all the time, I'm 2134

sorry. A Sergeant Koopmann who was supposed to sign off on some of these reports in this case, and you signed your name over his typed name. Are you aware of that.
A. Sergeant Koopmanns replaced Sergeant LeGault around the July time period.
Q. I see.
A. He was also on vacation when this began.
Q. All right. Well, let's go back a little bit, because if I understand your testimony, after this was closed, this case was closed on April the 16th, there's a report, is that correct, April 16th, two thousand --
A. I don't have that report with me, but that's about right.
Q. Okay. And the case was closed, as far as you were concerned, that was it; is that right.
A. Yes.
Q. All right. The same case with the same case number was reopened --
A. Yes.
Q. -- in June; is that correct.
A. I believe it was around that time period, right.
Q. And that's the time that you got a call from Tom Sneddon, Mr. Sneddon, correct.
A. Yes.
Q. And he told you he had received a telephone 2135

1 call from Attorney Larry Feldman; is that correct.
2 A. Yes.
3 Q. Did you speak directly with Attorney Larry
4 Feldman yourself.
5 A. Yes.
6 Q. Now, at that time in June, and if you need
7 something to refresh your recollection, but I
8 believe it was about June 13th -- does that sound
9 right, or do you need -- or is there something you
10 could look at.
11 A. I believe that's possibly correct.
12 Q. Okay. Sometime around that -- in any event,
13 in June of 2003, can we agree to that.
14 A. Yes.
15 Q. All right. June of 2003, you received a
16 call from Mr. Sneddon, eventually talked to Attorney
17 Larry Feldman, and then you reopened the
18 investigation, correct.
19 A. After speaking with Mr. Feldman, no, I made
20 another phone call before I --
21 Q. To.
22 A. Dr. Katz.
23 Q. To Dr. Katz, okay. So you talked to -- and
24 you were aware that Dr. Katz was a forensic
25 psychologist, correct.
26 A. A child psychologist, I believe. But --
27 Q. Were you aware --
28 A. A psychologist. 2136

Q. Were you aware he's a forensic psychologist.
A. I believe that -- yes, I believe he was a psychologist, and I believe he specializes in interviewing children, but that's -- it's been a long time since I've talked to Dr. Katz.
Q. Well, you know what a forensic psychologist is, correct.
A. Yes.
Q. Somebody who testifies in court; somebody who helps prepare cases.
A. Yes.
Q. Were you aware that he was a forensic psychologist.
A. Yes.
Q. And you were aware that he had worked with Attorney Feldman in the past, or not.
A. I don't believe I was aware of that when I talked to Dr. Katz initially. I know that now.
Q. Eventually you found that out, all right. So Attorney Feldman, Dr. Katz, Mr. Sneddon, not in that order, but you have those phone calls, and then you reopen your investigation; is that correct.
A. Yes.
Q. And you use the same case number, correct.
A. I believe we did.
Q. Now, why didn't you just call Detective Flaa and tell him, "Your case is reopened. New things 2137

have come up. Let's investigate".
A. Detective Flaa was no longer working for us.
He had left our agency.
Q. You believe he left your agency at that
time.
A. Well, excuse me. I'm sorry. He had left my
bureau and went to work for special operations.
Q. Now, it's very common when somebody leaves a
particular bureau or assignment, if a big case
they're working on reopens, it's very common to
bring that officer back or that detective back to
continue with the investigation, is it not.
A. Well, it depends on how -- how much
investigation had occurred up to that point.
Q. Is it common or not, sir. It's common,
isn't it.
A. Well, no.
Q. Never happens. Sometimes happens.
A. Sometimes happens.
Q. All right. And Sergeant LeGault was
replaced by Sergeant Robel; is that correct.
A. On this investigation.
Q. Yes. When you reopened it.
A. Well, he wasn't -- he was made the lead
investigator of this agency, of this -- Sergeant
Koopmanns was -- basically had replaced Sergeant
LeGault.
Q. So you brought a Sergeant in, Sergeant 2138

Robel.
A. Yes.
Q. Okay. The prior line-up was you, Sergeant LeGault and Detective Flaa, right.
A. Yes.
Q. And now the line-up was you, Sergeant Koopmanns --
A. Sergeant Koopmanns was not involved in this case.
Q. I'm sorry. He replaced LeGault or he didn't.
A. He replaced LeGault.
Q. Okay. But he didn't end up -- other than having his name on some things where you signed over it, he really didn't get involved in it; is that right.
A. That's correct. Sometimes there's an innocuous reason why they'll put -- I had investigators working for me out of different offices at times, and sometimes they will just put their Sergeant's name as the person reviewing it, even though in our department any superior can review a report.
Q. Okay. But Koopmann -- I don't want to spend lot of time on this, but Koopmanns' name was actually in there as a sergeant reviewing the report, and then you would sign your name over it.
A. If I signed my name over it, it doesn't mean 2139

1 that Sergeant Koopmanns reviewed the report.
2 Q. Does that mean you reviewed the report.
3 A. Yes.
4 Q. There you go. In any event, now we have
5 you; we still have Sergeant LeGault, or not.
6 A. No.
7 Q. No.
8 A. Are -- you're talking July '03, right.
9 Q. Yeah, June, July '03.
10 A. No.
11 Q. Okay. So we had you; then Sergeant Robel.
12 A. Yes.
13 Q. And then you had Paul Zelis.
14 A. Yes.
15 Q. And Paul Zelis was the detective who really
16 took over Detective Flaa's role in this, did he not.
17 A. No, actually I believe Sergeant Robel took
18 over that role.
19 Q. All right. And Detective Zelis was not as
20 experienced a detective as some of the other people
21 you had working under you was.
22 A. That's an accurate description.
23 Q. He had been a deputy marshal; is that right.
24 A. He had been a deputy marshal before, yes.
25 Q. Deputy marshals were the bailiffs for the
26 Municipal Court when we used to have Municipal
27 Courts here.
28 A. Yes. 2140

Q. And then when we consolidated the courts into Superior Court, the marshals, many of them, became sheriffs; is that correct.
A. Yes.
Q. And that's how he became a sheriff.
A. Yes.
Q. All right. And Detective Zelis was the one who -- we don't want to go into a lot of detail here, but Detective Zelis was the detective who did a lot of the interviews, is that correct, in this case.
A. He participated in those interviews with Sergeant Robel.
Q. And he's the one who is the declarant, or the affiant, for the search warrants. He did a big, long, 80-page affidavit to get search warrants.
A. He is the affiant of the search warrant. Of the primary search warrant, I should say.
Q. He was at the search at Neverland.
A. He was one of many, yes.
MR. SANGER: All right. I have no further questions.
MR. ZONEN: Nor do I, Your Honor.
THE COURT: You may step down.
Call your next witness.
MR. SNEDDON: Sergeant Robel, would you take the stand, please.
THE COURT: Sergeant Robel, you're already 2141

under oath, so when you get to the witness stand, you may be seated.

SERGEANT ROBEL: Thank you.

STEVE ROBEL

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Sergeant Robel, you've been previously sworn, and you understand you're still under oath.

A. Yes, I do.

Q. Okay. Now, first of all, let's go back a little bit, because we're going to broaden the scope of your testimony just a little bit.

Would you tell the ladies and gentlemen of the jury a little bit about your background and preparation for becoming a deputy sheriff.

A. Sure. Approximately 22 years ago, I went to the Ventura academy.

Q. I'm sorry, but we're going to have to tell you what we did all the other kids in the case. Speak into it, please.

A. Approximately 22 ago I went to the police academy down in Ventura. And it was approximately 14, 15 weeks long. I was then placed in Solvang, Santa Ynez, where I was -- I worked as a deputy on 2142

patrol and worked my way up. I was the DARE officer and school resource officer. And then I went on into detectives. And during that time in detectives, I was specializing in sexual assault and child abuse cases.

Q. All right. Let's stop there for just a second.

How long did you actually work in the specialty of child abuse and sexual assault cases for children.

A. Approximately five years.

Q. Now, did you have any special training or preparation for that role as a detective on those kinds of sensitive cases.

A. Yes, I have.

Q. All right. Would you explain that to the ladies and gentlemen of the jury, please.

A. Yes, I've had numerous hours of education through forensic interviewing, which was approximately 80 hours. Child abuse and recognition training, which was approximately 40 hours. I ended up actually giving some training courses in forensic interviewing classes, assisting other agencies in that respect.

I've also -- excuse me just for a second. I got to refer to my notes here.

Interviewing -- child abuse interviewing techniques with children. And also an 80-hour 2143

sexual assault investigation course.
MR. SANGER: Your Honor, I'm going to object for a moment to the witness interviewing (sic) his notes, and -- I don't think there was a basis for it, but also I don't believe I've seen those notes. If I could have an opportunity to look at them, I would appreciate it.
THE COURT: All right. You may approach the witness.
MR. SANGER: Thank you.
MR. SNEDDON: Okay.
MR. SANGER: Thank you, Your Honor.
THE COURT: Your objection was he was looking at notes without --
MR. SANGER: Without an adequate foundation.
THE COURT: Without a foundation. Is that objection still being made after looking at the notes.
MR. SANGER: Well, I'll withdraw it as to that question, but I would in the future make the same objection.
THE COURT: All right. Did we finish that question.
MR. SNEDDON: I believe I did.
Q. Were you finished telling them about your training and expertise in that area.
A. Yes, I am.
Q. Okay. Sergeant Robel, at some point in time 2144

were you assigned as the lead investigator into the case against the defendant in this case, Michael Jackson.
A. Yes, I was.
Q. And approximately, if you recall, what time was it that you were assigned that particular responsibility.
A. I want to say I believe it was around the middle -- around the 20th or so of June of 2003.
Q. Now, at that time, who was the person that you were reporting directly to.
A. That was Lieutenant Jeff Klapakis.
Q. The previous witness.
A. Correct.
Q. And was Paul Zelis, Detective Zelis, a part of that particular investigative team.
A. Yes, he was.
Q. And did he work under your supervision.
A. Correct.
Q. Now, at some point did you participate in an interview of the members of the Arvizo family.
A. Yes, I did.
Q. Would you tell the ladies and gentlemen of the jury, when was the first occasion that you interviewed the Arvizo family.
A. I believe it was on July 7th of 2003.
Q. Now, when I said “members of the Arvizo family,” what -- what individuals within that family 2145

do you recall having interviews with.
A. Janet Arvizo, Star Arvizo, Gavin Arvizo, and Davellin Arvizo.
Q. Now, the ladies and gentlemen of the jury have heard testimony previously this morning - actually, I guess you have too, most of the time you were here - about the fact that there was a report that Detective Flaa had obtained about the interview between the Los Angeles social workers and the Arvizo family. Do you recall that.
A. Yes, I do.
Q. Now, prior to the time that you interviewed the family in July of 2003, were you familiar with the contents of that report.
A. I was familiar with Detective Flaa's report. I read that. And also Detective Zelis's phone review of Dr. Katz.
Q. So you were familiar with both of those before you actually interviewed the family.
A. Correct.
Q. And were you familiar with the fact that as a result of the interview with the Los Angeles social workers back on February 20th of 2003, that your department had conducted an initial investigation.
A. Yes. After reading the report, I did conclude that, yes.
Q. And that it had been closed. 2146

A. Correct.
Q. Now, did you conduct an interview with -- or when did you conduct the first interview that you had with Star Arvizo. Do you recall exactly what date that was.
A. I believe it was Monday, July 7th.
Q. Do you recall where that was.
A. 2003. That was conducted in Santa Barbara County, at our common interview place in Santa Barbara.
Q. So would that be in the south part of the county.
A. That is correct.
Q. Was that interview tape-recorded, or videotape-recorded.
A. Yes, it was.
Q. And was a transcription of that tape-recording made.
A. Yes.
Q. And you've had a chance to review both of those.
A. Correct.
Q. Now, with regard to Star Arvizo's interview - okay. --
A. Yes.
Q. -- during the course of that interview, how many incidents did Star tell you in which he was standing on the stairs that he saw Michael Jackson 2147

1 molest his brother Gavin.
2 A. Two.
3 Q. During that interview on July 7th of 2003,
4 did Star make statements to you about describing a
5 third incident that he had seen involving the
6 defendant, Michael Jackson, and his brother Gavin.
7 A. Yes, he did.
8 Q. And what did he say in that connection.
9 A. He told me --
10 MR. SANGER: Objection. Objection; hearsay.
11 THE COURT: Sustained.
12 MR. SNEDDON: Your Honor, it's a prior
13 consistent statement. It's admissible under the
14 Evidence Code. Counsel has -- I won't say anything
15 else, but I --
16 THE COURT: Let me think for a moment.
17 MR. SNEDDON: Yeah.
18 THE COURT: Counsel approach, please.
19 (Discussion held off the record at sidebar.)
20 THE COURT: All right. The objection is
21 overruled. You may --
22 Q. BY MR. SNEDDON: Okay. Let's go back just a
23 second, Sergeant Robel.
24 You had a videotaped conversation with Star
25 Arvizo on July 7th of 2003, correct.
26 A. Correct.
27 Q. And in that conversation, Star Arvizo
28 indicated to you that he had seen two incidents 2148

while standing on the stairwell where he saw the defendant, Michael Jackson, molest his brother Gavin, correct.
A. That's correct.
Q. Now, during the course of that conversation, did Star Arvizo relate to you a third incident in which he had seen the defendant in this case, Michael Jackson, touch his brother inappropriately.
A. Yes, he did.
Q. All right. Would you tell the ladies and gentlemen of the jury what he told you.
A. Star told me that when he was up in Michael's bedroom, he was lying on what he described as a couch-type setting, possibly a futon, and he was -- pretended like he was sleeping.
And Michael came up into the bedroom and crawled into bed where his brother Gavin was sleeping. And when he got into bed, he scooted up next to him, Mr. Jackson did, to Gavin, and started moving back and forth.
And Star observed that, and he basically pretended like he was sleeping at that time.
Q. Now, during the time that you were doing these interviews, did you also have an interview with Gavin Arvizo.
A. Yes, I did.
Q. And what date did that occur.
A. That was -- that would also have been on 2149

Monday, July 7th, 2003.
Q. And would that have been at the same
location.
A. Yes, it was.
Q. And during this conversation, who else was
present besides you and Gavin.
A. It would have been Detective Zelis.
Q. And with regard to the previous interview
with Star, was Detective Zelis present then also.
A. That is correct.
Q. Now, in the conversation that you had with
Gavin Arvizo on the 7th of July of 2003, did
Gavin -- excuse me. Sorry, Counsel.
MR. SANGER: That's all right.
Q. BY MR. SNEDDON: Did Gavin Arvizo indicate
to you the time frame as to when he thought that he
had been molested by the defendant in this case, Mr.
Jackson.
A. Yes, he did.
Q. And what did he tell you.
A. He told me it was towards the end of his
stay at Neverland.
Q. Now, after that interview on July 7, did you
have another interview with Gavin Arvizo.
A. Yes, I did.
Q. And when did that occur.
A. I believe that was August 13th of 2003.
Q. And in that interview, did the subject of 2150

the timing of when Mr. Jackson molested him come up.
A. Yes, it did.
Q. And what did he indicate to you on that occasion.
A. Again, he stated that it was towards the end of his stay at Neverland.
Q. All right. Let's shift gears here for a second. I need to grab some water.
Okay. In November of 2003, you were part of a number of people who executed a search warrant on Neverland Valley Ranch, correct.
A. That is correct.
Q. And do you remember what date that was.
A. I believe it was November 18th, 2003.
Q. And were you, as the lead investigator, involved in overseeing the preparation of the affidavit in support of the search warrant that was eventually submitted to the Judge to get authorization for that search warrant.
A. Yes, I was.
Q. And in that connection, did you have a recommendation or a desire with regard to how long you thought the search of the ranch would take.
A. Yes, I did.
MR. SANGER: I'm going to object; relevance. His state of mind.
THE COURT: Well, the objection's sustained, because you said "recommendation or a desire." 2151

MR. SNEDDON: Okay. I'll rephrase it. It's compound.
Q. With regard to the length of the time that you thought that the search would take at Neverland Valley Ranch, what was your desire with regard to requesting judicial authorization as to the time frame.
MR. SANGER: I'm going to object again. Relevance.
THE COURT: Overruled. I'm going to -- you know, "desire" is the word that bothers me here. If you had a recommendation, that's what I would like to hear, as opposed to his private desires.
MR. SNEDDON: Well, okay. It's probably a bad choice of words, then.
Q. In your conversations -- let me ask you this: Who was the attorney you were dealing with in the preparation of the affidavit for the search warrant.
A. It would have been Tom Sneddon.
Q. Me.
A. Yeah.
Q. Okay. And in the course of working with me on that document, the affidavit in support of the search warrant, did you have a recommendation that you made with regard to the length of time that you wanted to be on the ranch to execute that warrant. 2152

MR. SANGER: Objection. Calls for hearsay and relevance.
THE COURT: Well, what is the relevance, Counsel.
MR. SNEDDON: Judge, the relevance is the amount of people that it took to do it, because --
THE COURT: All right. I'll overrule the objection.
Q. BY MR. SNEDDON: What was your -- what was your request and recommendation.
A. I was requesting that we have authorization to be on the ranch for two to three days.
Q. And was that request granted.
A. No, it was not.
Q. Who denied it.
A. You did.
Q. And what did I tell you in that connection.
MR. SANGER: Your Honor, I'm going to object to that. That calls for hearsay. And I'm going to move to strike the prior questions and answers on the ground that this is not relevant.
THE COURT: The objection as to hearsay is sustained.
MR. SNEDDON: All right.
Q. In any case, when the warrant went to the Judge for signature, the warrant provided for how long that you could be on the property.
A. I believe it was approximately 24 hours or 2153

till midnight, I believe, of that day.
Q. Midnight of the day you executed it.
A. Correct. I believe it was midnight we had to be out.
Q. What was the impact of the shorter time frame than you requested on the decisions of how the execution -- how the warrant was executed on the ranch that day.
A. Well, it caused us to reevaluate our initial plan and how many personnel that we were going to take onto the ranch, which in turn caused us to bring more personnel in order to get the job done within the parameters of time that we were designated.
Q. Now, do you know an attorney by the name of Jerry Franklin.
A. Yes, I do.
Q. Who's Mr. Franklin.
A. He's a Senior Deputy D.A. with Santa Barbara County.
Q. Was Mr. Franklin on the ranch that day, the day that the warrant was executed.
A. Yes, he was.
Q. And did you, in your capacity as the lead investigator, have some interactions with Mr. Franklin that day.
A. Yes, I did.
Q. And in what connection was that. 2154

A. On two separate occasions, he assisted me in doing an addendum to a search warrant in the Los Angeles area, and also he assisted -- I had him assist Detective Zelis on doing an addendum for a search on a certain or particular item on the ranch.
Q. Do you know how long Mr. Franklin was there that day.
A. I want to say he was approximately there maybe four or five hours, somewhere along that line.
Q. Now, it's been indicated in the beginning of your testimony that I was on the ranch that day; is that correct.
A. Yes.
Q. Do you recall how long I was there or when I left.
MR. SANGER: I'm going to object. Lack of foundation.
THE COURT: The answer -- the objection is overruled. But answer "yes" or "no." Do you recall how long he was there.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: How long.
A. I think you left probably around 1:30 or 2:00 in the afternoon.
THE COURT: All right. Let's take our break.
(Recess taken.)
THE COURT: I don't know if everybody knows, but we had a little longer break this morning, 2155

because the Olive Garden read a CNN report that basically said the jurors were starving to death.
(Laughter.)
THE COURT: And they have to thank CNN because Olive Garden sent over a bunch of pizzas, so the jury has been -- they sent out an attack squadron and threatened my life if I wouldn't let them eat the pizzas, so they're -- they've -- they're all full, and --
A JUROR: Oh, yeah.
THE COURT: Let me tell you the danger here now. Having been a Judge for many years, this is the best advice I can give anybody on a jury, and that is: Don't eat too much at lunch.
But today it's okay.
Counsel.
Q. BY MR. SNEDDON: Okay. Sergeant Robel, I think we were at the point that you're at the ranch, and you're executing a search warrant on November the 18th, 2003. Okay.
A. Yes.
Q. Okay. Now, during the course of the execution of that search warrant, did you personally seize any items that were booked into evidence.
A. Yes, I did.
Q. And in what room was that that you did that.
A. It was in Mr. Jackson's.
Q. Michael Jackson's. 2156

A. That's correct.
Q. And what room.
A. His master bedroom.
Q. Would that be downstairs or upstairs.
A. It would be upstairs.
Q. Now, could you just describe to the ladies and gentlemen of the jury what process that you used in seizing the evidence and then making sure that it got booked appropriately.
A. We had a designated person downstairs with a laptop computer that was the person that was documenting the items on a property form and giving it an item number, a sheriff's department item number.
As seizers, we would seize stuff and then we would actually hand-carry it down to him, and then he would actually go on ahead and it would be packaged up and entered into the computer and given an item number.
MR. SNEDDON: All right, Your Honor. I have four more exhibits I'd like to have marked for identification purposes. And I've shown them to counsel. They're Photos 278, a Photo 84, and a Photo 283 and 284.
THE COURT: Thank you.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: Okay. Sergeant Robel, 2157

let's do it in this order. I'm going take them
back. But with regard to the Photograph 278, do you
recognize that.
A. Yes, I do.
Q. And is that an accurate depiction of what it
purports to represent.
A. Yes, it is.
Q. All right. And turn over the next one, if
you would. Turn that over, if you would.
And the next one is 84. Do you recognize
that.
A. I do.
Q. And is that an accurate depiction of what it
purports to represent.
A. Yes, it is.
Q. Would you turn that over.
And with regard to the next item, which is
284, do you recognize that.
A. Yes, I do.
Q. And is that an accurate depiction of what it
purports to represent.
A. Yes, it is.
Q. All right. Would you turn that over,
please.
And I believe the other one is 283.
A. Yes.
Q. And is that an accurate depiction of what it
purports to represent. 2158

A. Yes, it is.
Q. And are these items that you saw during the course of your execution of the search warrant at Neverland Valley Ranch.
A. Yes, they are.
Q. And are items that you seized.
A. Yes, they are.
MR. SNEDDON: I move that these be admitted into evidence.
MR. SANGER: I would object. I would object, Your Honor, on the grounds that there is no foundation, particularly as to the relevance of these particular items to these proceedings.
THE COURT: I haven't seen the pictures.
MR. SNEDDON: May I come around this way, Your Honor.
THE COURT: Yes.
MR. SANGER: Should I approach as well.
THE COURT: Yes.
MR. SANGER: Thank you.
(Discussion held off the record at sidebar.)
Q. BY MR. SNEDDON: I'm going to give you these back for just a second, and I'm going to ask you a couple more questions, and then we'll....
Sergeant Robel, with regard to the photograph that's on the top, which is -- what's the number on that.
A. 278. 2159

Q. 278. Do you recognize that photograph.
A. I do.
Q. And what does that photograph depict.
A. It's a cardboard box that's open, and it has various magazines in it.
Q. Have you ever seen that cardboard box before.
A. Yes, I have.
Q. Where did you see it.
A. In Mr. Jackson's upstairs portion of his master bedroom, at the base of his bed.
Q. Does that photograph accurately depict the condition of that cardboard box the first time you looked inside of it.
A. Yes, it does.
Q. All right. With regard to the next photograph, which is No. 84 I believe --
A. That's correct.
Q. -- is that correct.
A. That's correct.
Q. Now, with regard to Photograph 84, do you recognize that photograph.
A. Yes, I do.
Q. And there is displayed in that photograph a magazine on top, correct.
A. That is correct.
Q. And does that photograph accurately depict the location of that photograph -- that magazine the 2160

first time you saw it inside that box.
A. Yes, it does.
Q. All right. Turn that one over, if you would.
With regard to -- is that 284.
A. Yes, it is.
Q. With regard to 284, that photograph depicts a book, correct.
A. Yes, it does.
Q. Where was that book the first time you saw it.
A. That was inside the cardboard box.
Q. The one that's depicted in the Photograph 284 -- in No. 84.
A. That is correct.
Q. And did you seize that item.
A. Yes, I did.
Q. All right. And the next one is 283.
A. Yes.
Q. And with regard to what's depicted in that photograph, 283, where was that item the first time you saw it.
A. That was also inside the cardboard box.
Q. It's depicted in the Photograph 84 and 278.
A. Correct.
Q. All right.
Your Honor, ask permission at this point to -- that they be admitted and I can question the 2161

witness about them.
MR. SANGER: I'd renew my objection, Your Honor.
THE COURT: I'll sustain the objection.
The -- there's no connection to the present case with the photographs.
MR. SNEDDON: I'm sorry, Your Honor, I didn't hear what you said.
THE COURT: There's no connection to the present case with that material.
MR. SNEDDON: May we approach the bench for a second, Your Honor.
THE COURT: Yes.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Your Honor, may I display them with your permission.
THE COURT: Yes. The Court has ruled they are admissible.
Q. BY MR. SNEDDON: Before I do that, I want to ask you a question. We saw the box in the photograph that is -- well, let me just put the box on.
Your Honor, could we have the port for the Elmo, if you --
THE COURT: Yes.
MR. SNEDDON: And Your Honor, I guess I also need to tell the Court that at least one of these 2162

photographs has a cover which is maybe sexually explicit, in case there's any persons in the courtroom below the age of 18, I guess, or 21.
THE COURT: I think we've asked any 18-year-olds -- there were some students visiting. We've asked them not to come in during this period.
MR. SNEDDON: Thank you, Your Honor.
MR. AUCHINCLOSS: Could we have "Input 4," Your Honor.
THE BAILIFF: Is the machine on. You need to push the button for the Elmo.
MR. SNEDDON: Well, if I stand on my head, I can see it, I guess.
Q. All right. Sergeant Robel, that's Photograph Exhibit 278, correct.
A. Yes, it is.
Q. Can you tell the ladies and gentlemen of the jury, where was it when you first saw that box in Mr. Jackson's bedroom.
A. The box itself was at the base of Mr. Jackson's bed on the floor.
Q. And is that the condition of the box when you first saw it, or first looked into it.
A. Yes. The top was closed, but I opened it up and that's what I saw, what's depicted up there.
Q. Now, let me show you another photograph, which is People's 84.
Was that magazine -- the one depicted in the 2163

front, was that the top magazine in the pile of magazines that you picked up.
A. Can you rephrase that. I'm sorry.
Q. Yeah. Was that one of the magazines you saw in the box.
A. Yes.
Q. Was that the first one you saw.
A. No.
Q. Was there another one on top of that one.
A. Yeah, there were quite a few others on top.
Q. So that was just down inside of it somewhere.
A. That is correct.
Q. Do you remember how many of those -- how many of those magazines you actually took out of there.
A. Before I got to that one, or just all together.
Q. No, eventually.
A. I would say approximately 15 to 20.
Q. Now -- okay. If you can take that one down. And if we could put up 284. I guess I have to give them to you first, don't I. Put 283 up first.
With regard to this particular item, 283, where was it located in the box; do you recall.
A. I don't recall the exact location, but it was inside the cardboard box. 2164

Q. And let's put 284 up there.
In regard to this book, The Chop Suey Club book, do you recognize that.
A. Yes, I do.
Q. And where was that when you first saw it.
A. That was also inside the cardboard box.
MR. SNEDDON: Okay. We can have the lights again, Your Honor.
Q. Now, with regard to the items that you've talked about that you took out of that box, the books and the magazines, what did you do with them after you physically removed them from the box.
A. What I did -- what I did was, I put them on top of the bed until I was finished going through the magazines that I thought were within the scope of the warrant, and then after I finished, I took the magazines and the books downstairs and gave them to Detective Padilla.
Q. Okay. And then Detective Padilla was responsible for packaging them up.
A. That is correct.
(Off-the-record discussion at counsel table.)
Q. BY MR. SNEDDON: I'm going to hand you an exhibit marked as 279. Do you recognize that exhibit.
A. Yes, I do.
Q. And what is it. 2165

A. It's a layout of Mr. Jackson's upstairs bedroom.
Q. Does that look -- does that look like the layout as you recall it when you were you were up there on November the 18th.
A. Yes, it does.
MR. SNEDDON: Your Honor, I've indicated to Mr. Sanger that even though there are some measurements on that, that we're just using this simply to illustrate where the officer found the items for purposes of demonstrative evidence at this point in time only.
THE COURT: All right.
MR. SNEDDON: And I would move that that be admitted into evidence at this point, Your Honor.
MR. SANGER: I don't have any objection for that purpose. The numbers on it that we have just seen, the numbers would not be admitted for the truth of the matter without further foundation. But it can be put up.
MR. SNEDDON: I agree.
THE COURT: All right. It's admitted for that limited purpose.
Do you need the screen, then.
MR. SNEDDON: Please, Your Honor.
Q. Sergeant Robel, you have the exhibit in front of you, and there is a copy of it exhibited to the jury on the Elmo, okay. 2166

Now, let's talk a little bit about the exhibit. It's 279, correct.
A. That is correct.
Q. Now, you told us you recognize that. Would you use the laser, please, and show the ladies and gentlemen of the jury approximately where Mr. Jackson's bedroom would have been. I'm sorry, bed.
A. It would have been right in this area here, up to there, over, right up into here.
Q. So basically in the area where it has "MJ's Bedroom" written in letters on there.
A. That is correct.
Q. Now, could you show the ladies and gentlemen of the jury where the box that you took the items that you've told us about, where that was located when you first saw it.
A. It was right here at the base of the bed on the floor.
Q. You're indicating -- I'm sorry, go ahead.
A. Just kind of like where that half inch is.
Q. Between the "4" and the "1".
A. Yeah, right in that area right there.
Q. Okay. Now, on your exhibit that's in front of you - okay. --
A. Yes.
Q. -- could you please take the pen that we have, and can you please put a little -- just draw a box into the approximate location of where that item 2167

was found.
A. Okay.
Q. And there was a number assigned to the items that you took down to Deputy Padilla, correct.
A. Yes.
Q. An item number. What item number was assigned to those particular things.
A. I want to say 363.
Q. All right. Would you put a “363” on there. And then at the bottom of that exhibit, would you please sign your name.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: All right. Sergeant Robel, I think you can put that down right now if you want. And I think we can turn the lights back on, Your Honor.
Let’s leave it, rather than go back and forth. Let’s see if we can finish it.
I have a brown bag that I’ve shown counsel, Your Honor. We had it previously marked as 280 for identification.
MR. SANGER: Could you say the number again. I apologize.
MR. SNEDDON: 280.
MR. SANGER: Thank you.
Q. BY MR. SNEDDON: Sergeant Robel, I’m going to ask you to look inside -- the bag is open. If 2168

you would just look inside the contents of 280, if you would, please. Do you recognize that item.
A. Yes, I do.
Q. And where and when -- let's take it one at a time. Where was that item the very first time you saw it.
A. It was inside a nightstand upstairs in Mr. Jackson's bedroom.
Q. And when you saw it, what did you do with it.
A. I seized it.
Q. And was that among one of the items you gave to Deputy Padilla.
A. Yes, it was.
Q. Does that bag that it was in, Exhibit 280, does that have a number on it.
A. Yes.
Q. An item number.
A. Yes, it does.
Q. What is that.
A. 362.
Q. Now, could you please, using your laser, indicate to the ladies and gentlemen of the jury where Item 280 was found, or to be more correct, where Exhibit No. 280 was found.
A. There was a night -- there was a nightstand right here, had a drawer in it, and I opened up the drawer and it was found inside the drawer inside the 2169

nightstand.
Q. Would you please indicate on your exhibit and just put the item number there so we know which one that is.
That's the approximate location of where it was when you first saw it.
A. That is correct.
Q. All right.
All right. I think I just have a couple more questions, and then we'll be done.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Your Honor, at this time I've shown counsel two clear plastic bags. The first one has been marked 281 for identification purposes. And the second one -- the first one, by the way, has ink at the top and the number "224," so make sure we don't get confused.
But the second one is marked as 282 for identification purposes, and it has a black pound figure with a "225" at the top. I'll show them to the witness. Sorry.
Q. All right. With regard to 281, do you recognize that.
A. Yes. Yes, I do.
Q. All right. What is 281.
A. It is Star Arvizo's fingerprints and palm prints. 2170

Q. And when and where was the first time you saw those prints.
A. I took those prints on 5-5 of ‘04.
Q. When you say you took those prints, would you describe for the ladies and gentlemen of the jury what you did.
A. I met with Star, and I proceeded to go on ahead and fingerprint him with all ten fingers, and also his palm prints.
Q. And were you -- were you the one that oversaw and directed him in obtaining those prints.
A. Yes, I was.
Q. All right. With regard to 282, do you recognize that item.
A. Yes, I do.
Q. And what is that.
A. These are Gavin Arvizo’s finger and palm prints.
Q. And with regard to those particular prints, did you have a role in obtaining those.
A. Yes, I did.
Q. What role was that.
A. I proceeded to do the same thing with Gavin Arvizo as I did with Star and rolled his fingerprints and his palm prints.
Q. Was that done on a different occasion or on the same day.
A. No, that was done on a separate occasion. 2171

Q. What was the date when you obtained Gavin's.
A. That was on 9-14 of '04.
MR. SNEDDON: Your Honor, I request that both of those items be admitted into evidence.
THE COURT: They're admitted.
MR. SNEDDON: Madam Clerk, would you help me please. The chart, 279, is that in evidence. Or 280.
THE CLERK: No.
MR. SNEDDON: I move that that be admitted as demonstrative evidence of the officer's testimony, Your Honor.
THE COURT: All right. It's admitted.
MR. SNEDDON: I believe all of them have been admitted at this point.
Thank you. And I have no further questions.
MR. SANGER: Well, wait a second. Except 280 was --
THE CLERK: 280 wasn't received yet.
MR. SNEDDON: I thought --
MR. SANGER: 280 is not the chart.
THE COURT: That's not the chart.
MR. SNEDDON: The chart was 279. And 280 is the note.
THE COURT: Yes.
MR. SNEDDON: Okay. I move that that be admitted.
MR. SANGER: No objection. 2172

THE COURT: All right. 280 is admitted.
MR. SNEDDON: Apologize for that, for the confusion.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Well, let's start at the end and work backwards. How would that be.
First of all, you roll the prints of Star and Gavin Arvizo, which is what you just told us, right.
A. Yes, I did.
Q. And that's Exhibit 281, 282, correct.
A. Correct.
Q. Are you a certified fingerprint examiner.
A. No, I'm not.
Q. So you've learned to roll prints as a police officer, as a sheriff; is that correct.
A. Correct.
Q. Let's talk about the -- this was not marked; is that right.
Let's talk about what you found here, just moving backwards, going through these boxes.
Your Honor, I'm going to put up on the screen, if I may, 278, which has been received, if that's acceptable.
THE COURT: All right.
MR. SANGER: In fact, I'm going to take it 2173

off for one second. I'm sorry. Okay.
Q. All right. This was -- you basically were searching the residence, along with a lot of other officers, and we'll get to that in a bit, right. Is that correct.
A. Yes.
Q. And you found this box.
A. Correct.
Q. You personally found the box.
A. Yes.
Q. Do you know if anybody looked in the box before you got to it.
A. I don't know that.
Q. All right. In other words, the way this looked is -- I guess we will go in general, here, to set the stage.
The way this worked, I think you told us before, is you had that -- I think what you called a sweep or a protective sweep, or something, of the whole residence when you first arrived there; is that correct.
A. That is correct.
Q. And that was theoretically not a time to be looking in boxes and seizing evidence. It was a time to look in doors and see if people are in there, and sort of see what the interior looked like; is that correct.
A. Correct. 2174

Q. All right. And then after you completed the sweep of the premises, then various officers were assigned various locations to go actually do searches; is that right.
A. That is correct.
Q. And you said there was some people who are the seizers and some who were the scribes.
A. That is correct.
Q. Okay. Sounds like it could be something from ancient Rome, I suppose.
But the scribes were the officers who were just going to sit there and they were going to write out your sheriff's SH -- what is it. -- 541.
A. 451.
Q. 451. Okay. Sorry. I got it backwards.
Your 451 forms, those are the inventories where you say, "We give it a number, and this is what it is, and this is where it was located"; is that right.
A. That's correct.
Q. And then there were other officers who were looking around, and eventually some of those officers might actually see something and say, "I want to seize this," and they'd actually pick it up, right.
A. Correct.
Q. And then they'd take it over to the scribe and say, "I seized this. This is where it came 2175

from," and the scribe would write down on the -- on the 451 form that it was Sergeant Robel that seized it, right.
A. That's correct.
Q. All right. Now, in the course of this, however, there were officers who would be going through the same materials sometimes, going through opening boxes, and yet another officer might come along and be the one that might seize something from that box; is that true.
A. Do you mean in addition to the actual search personnel that --
Q. No, no, the search personnel, the search personnel in the room, somebody might open a box and look through it, and another officer might come back and look at it a second time and say, "I want to seize something out of that box"; is that true.
A. I don't know if that's true or not. That didn't happen in my situation, but --
Q. So -- well, you're telling us you're the first one to look in that box.
A. The box was closed when I opened it up.
Q. All right. Well, that was going to be my next point. So the box was closed.
A. It was closed.
Q. So the photograph is a photograph of the box. Exhibit 278 is a photograph of the box after you opened it up. 2176

A. That is correct.
Q. Was it sealed or was it just folded in.
A. It was folded like you would normally fold a cardboard box, kind of the flaps in between each other to keep it closed.
Q. All right. Now, as the investigator in this case, the lead investigator in this case, you are not aware of any witness who said that they specifically saw any one of these particular items, that being 283, 284 and 84; is that correct.
A. At this present time, no.
Q. Okay. So I just asked one of those bad questions. I said, “Is this correct.” Let me try not to do that.
Based on your investigation, did anybody, any witness, specifically say that they saw any of these items, other than you as the searching officer.
A. To the best of my knowledge, no.
Q. Thank you. Okay. Now, none of these items -- and by “items,” I’m referring 284, 283 and 84. None of these items are per se illegal to possess, are they.
I’ll just put them up quickly.
They’re not contraband.
A. No, those are not illegal to possess, correct.
Q. So when they say “teenaged,” these are 2177

magazines that show models or people who are over -- who are 18 or over. However young they may look, that's -- they're 18 or over, as far as you can tell, correct.
A. They're supposed to be, yes.
Q. And those are commercially available. You can go to a store and buy them, correct.
A. As far as I know, yes.
Q. All right. Now, 283 -- I hate to just keep putting these up, but -- but 283 is a collector's item of some sort, is it not.
A. I really don't know.
Q. Did you find some nudist magazines when you were looking around that were from the 1930s.
A. Inside that box.
Q. Anywhere.
A. I believe some other people, some other searchers found that.
Q. And you had no witness -- there was no witness that said they were shown that book or saw that book, as far as you know, right.
A. Correct.
Q. All right. Now I'm going to put up 284. You seized that because it appeared to be a book that came within some concept of adult material; is that right.
A. Correct.
Q. Do you know who Bruce Weber is. 2178

A. I do not.
Q. Now, when you were going through Mr. Jackson's home, did you see a number of items from notable people that were just lying around, or hanging on the wall, or sitting on a -- I'll give you some examples if you want. Did you see, for instance, a letter from Steven Spielberg that was just sitting on a table.
A. I did not see that, no.
Q. All right. Did you see a letter from President Bush.
A. I believe I saw that, yes.
Q. Did you see some correspondence from Ronald Reagan.
A. Yes.
Q. Did you see other correspondence from other notable celebrities and politicians and other people.
A. I don't recall exactly who they were, but he had a lot of various things framed from those particular people, yes.
Q. And some things that weren't framed, right.
A. The items that I found, that I saw.
Q. That you saw.
A. They were framed.
Q. Okay. Did you notice that -- first of all, how many books do you think there were in Mr. Jackson's residence, taking the -- taking the places 2179

that you searched on the ranch.
I'm not talking about, obviously, anyplace
you didn't search, storage places or elsewhere, but
on the ranch.
MR. SNEDDON: Your Honor, I'm going to
object. Go ahead.
MR. SANGER: Let me withdraw it.
MR. SNEDDON: It's unintelligible, that's
what I'm saying.
MR. SANGER: All right. I'll withdraw it.
Q. Taking into account the areas that you went
through -- let's back up. What areas did you go
through.
A. That I particularly searched.
Q. No, that you went through. You walked
through all the areas that were eventually going to
be searched; is that correct.
A. Correct.
Q. All right. And so you went through the main
house.
A. Correct.
Q. Went through Mr. Jackson's office.
A. Correct.
Q. You went upstairs from his office into the
video library.
A. Correct.
Q. And some other little rooms associated with
that, correct. 2180

A. Correct.
Q. You went into the arcade building, correct.
A. Correct.
Q. All right. Any other locations that you went through.
A. The security.
Q. The security office at the end of the office -- or the building that had Mr. Jackson's office in it, correct.
A. The one clear at the end, yes.
Q. Okay. So, as you went through these various locations, there were over 10,000 books, were there not.
A. That's going to be kind of difficult for me to say over 10,000. I would say that there were definitely several hundred, but 10,000, I really couldn't say that for sure. There were quite a few, yes.
Q. Okay. You remember the library.
A. Correct.
Q. And the library had, for the most part, leather-bound books and sets and that sort of thing, correct.
A. Yes, it did.
Q. There were hundreds of books just in that library, were there not.
A. That's correct.
Q. And then the hallway leading to Mr. 2181

Jackson's quarters, where he had the first floor and the bedroom upstairs, that hallway had books, bookcases lining one side of the hallway, correct.
A. That is correct.
Q. And there were hundreds of books there, were there not.
A. There were quite a few, yes.
Q. And then when you went into Mr. Jackson's private quarters and you went down the steps into that -- the big living room area, whatever it is, with the big screen T.V., there were quite a number of books stacked up on the floor there, were there not.
A. There were.
Q. And then there was -- there was another bookcase full of books; is that correct.
A. I believe that, yes, you're right.
Q. Okay. And then there were books lying around stacked up in various places, in the bathroom and his -- his bedroom upstairs, quite a number of books stacked up.
A. Correct.
Q. And then upstairs in the house, in between the craft room and Prince Michael's bedroom, Mr. Jackson's son's bedroom, there's a little cove with children's books; is that right.
A. There were books there, yes. I'm not sure if they were children's books, but you're correct. 2182

Q. Quite a number of books there.
A. Right.
Q. Okay. And then in Mr. Jackson's office,
there were books stacked up, for the most part, in
various parts of his office; is that correct.
A. Yeah. Mainly around his desk area, yes.
Q. And there was actually a separate room as
you would go into the office, into the front office.
You turn left, there's a little hallway, left again,
there was a little room that had shelves with
hundreds of books; is that correct.
A. Is that where the bathroom is. Is that what
you're referring to.
Q. Just before the bathroom, yes. Talking
about his office.
A. Right.
Q. Turn left, a closet, a big closet area with
shelves in it with hundreds of books.
A. Correct. Correct.
Q. Okay. And then in the arcade, there was
a -- a room with a low door on the second floor,
correct.
A. Correct.
Q. And in there, there were thousands of books
in bookshelves like a bookstore, right.
A. Yeah. It looked like a library, yes.
Q. And there were boxes of books still in
boxes, correct. 2183

A. Correct.
Q. All right. Now, you saw all of this on November the 18th, 2003, correct.
A. Correct.
Q. So you don't know what exactly was there in February or March; is that correct.
A. That's a true statement.
Q. All right. Now, having talked about all those books, among the books as you went through, did you notice from time to time there might be more than one copy of the same book.
A. Me, no, did not notice that.
Q. Did you notice that it appeared that a publisher or an author had sent books to Mr. Jackson.
A. I am unaware of that.
Q. All right. Now, this particular book, Mr. Weber, who's up there, Bruce Weber, The Chop Suey Club, were you aware that Mr. Weber sent this to Mr. Jackson unsolicited.
A. No, I'm not.
Q. Were you aware that Mr. Weber was a photographer who had photographed The Jackson 5.
A. No.
Q. Photographed other people, Nelson Mandela and a lot of other people.
A. No.
Q. Inside that very book, there's an actual 2184

photograph of Elizabeth Taylor; is that correct.
A. It's been a while since I've looked at that book, so I couldn't say for sure.
Q. Okay. And if I didn't specifically ask you on that, this, there was no witness that said they were shown this book or saw this book, is that correct, other than you and the officer that booked it into evidence.
A. To the best of my knowledge, yes.
Q. All right. So you -- let me have just one second.
You originally got involved in this case by virtue of an assignment by Lieutenant Klapakis; is that correct.
A. Actually, it came higher up than the lieutenant, but he was involved in it, yes.
Q. Did it come directly from Mr. Sneddon.
A. No. He wasn't involved in that.
Q. You're aware Mr. Sneddon had talked directly with Lieutenant Klapakis about being assigned to this case; is that correct.
MR. SNEDDON: Your Honor, I object. That misstates the evidence.
MR. SANGER: Well, let me withdraw it.
THE COURT: I'll sustain the objection.
Q. BY MR. SANGER: Somebody -- you're saying you were assigned -- anyway, whoever assigned you, somebody assigned you; Lieutenant Klapakis or 2185

somebody higher up.
A. Correct.
Q. Right.
A. Right.
Q. And what day were you first assigned to the case.
A. To the best of my knowledge, I think it was right around June, between June 15th and June 20th, I'm not exact on the date, 2003.
Q. All right. So at the time you were assigned on June 20th, Detective Zelis had already been assigned to this case; is that correct.
A. That's what I was told, yes.
Q. And so Detective Zelis was already starting to work on the case.
A. To the best of my knowledge, yes.
Q. And then you came in and basically took over the lead investigator responsibilities; is that right.
A. I was initially told that I was coming on to supervise it and to actually conduct the interviews and be a part of that process, yes.
Q. All right. Now, what I'm going to do is, I'm going to give you a timeline. And I'm going to show counsel.
Who's doing this. Oh, Tom. I'm sorry.
With the Court's permission, I'd like to have this piece of paper -- it has a timeline on it. 2186

No content. I'd like to ask that this be marked for identification next in order. And I'd like to approach the witness, if I may.
THE COURT: All right. What number is that.
THE CLERK: That's 5035.
THE COURT: 5035.
Q. Okay. Sergeant, let me go back so they can hear me.
I've given you 5035 for identification, which is a timeline.
And if the Court would permit, what I propose to do is just put a blank timeline, same thing, up there --
THE COURT: You may.
MR. SANGER: -- on the screen. So I think we need Input....
Q. Okay. Now, before you start writing on that, which is what I'm going to ask you to do -- close enough -- I've given you the same document that's on the screen; is that correct.
A. Yes.
Q. Okay. And what I'm going to ask you to do is write on yours, and if you still have that pointer up there, I'll ask you at future moments here to refer to the one on the screen so we can see what we're doing.
But first of all, why don't you write your name up there where it says "Witness," so we can 2187

remember who did this.
All right. And what I'd like you to do
is -- you understand the timeline. It should be
pretty --
A. Yes, it's 2003 and 2004.
Q. Starting with January, February, March,
April, May.
A. Correct.
Q. So, just as a point of reference, you
understood, from your investigation, the general
time frame in which the allegations were made. In
other words, the allegations were made about a
general time frame; is that correct.
A. Correct.
Q. All right. Somewhere between February 7th
to March the 13th; is that correct.
A. That is correct.
Q. Okay. So could you just make a bracket or a
mark on your copy there for that time period that
pertains to the allegations that were made against
Mr. Jackson.
MR. SNEDDON: Your Honor, I'm going to
interpose an objection that it's vague because there
are several counts in this case involving several
different allegations, and the time frames are
different.
MR. SANGER: We have -- Your Honor, if I
may -- 2188

MR. SNEDDON: Well, I object to the question, the form of the question.
MR. SANGER: I've asked for the general time period, and I will break it down later.
THE COURT: You're not asking him to make a mark now before you get to a specific charge.
MR. SNEDDON: Well, he did.
THE COURT: Well, I wasn't sure if he was making a general instruction or a specific question.
MR. SANGER: Yeah, I was asking him to put a bracket so that we have a frame of reference on this exhibit as to the general time frame. We will obviously go back --
THE COURT: I'll ask you to do it one at a time so that he knows exactly what you're asking him to put on the diagram.
MR. SANGER: Okay.
Q. Well, let's do it -- because we are going to go through this in more detail, but I want to get the big picture.
There was a time that you were told, and you found from your investigation, that the Arvizo children and Janet Arvizo and Mr. Jackson and others returned to the Neverland Valley Ranch after being in Florida; is that right.
A. That is correct.
Q. And what was that date.
A. I believe it was right around the 6th of 2189

1 February.
2 Q. 7th perhaps.
3 A. 7th. Somewhere right in there.
4 Q. So why don't you just mark that roughly.
5 Put a little line, and you can put --
6 A. Do you want me to put "March 7th" there.
7 Q. Sure. Put a little line and you can write
8 up above what it is.
9 MR. SNEDDON: Your Honor, I think --
10 Q. BY MR. SANGER: "Arrived."
11 MR. SNEDDON: I think he misspoke.
12 MR. SANGER: Who misspoke.
13 MR. SNEDDON: I think he said March.
14 THE WITNESS: No, that's right. I did.
15 MR. SANGER: I'm sorry, I meant to say
16 February.
17 THE WITNESS: It's February 7th.
18 MR. SANGER: Did we both say March.
19 THE WITNESS: I think I did.
20 MR. SANGER: Okay. Let's get it right.
21 It's February 7th.
22 Q. All right. And then there was a time that
23 you came to understand the Arvizos claimed that they
24 left Neverland Valley Ranch for the last time.
25 A. Yes.
26 Q. Do you know what date that was.
27 A. That I believe was March 12th.
28 Q. March 12th. 2190

A. Okay. And could you mark March 12th.
Q. And then why don't you just -- I'm sure everybody's on board, but just so -- in case, from the angle, it's hard, just point roughly where you are on this timeline.
February 7th through 22.
A. Yeah, February 7th. And then over here would be March the 12th.
Q. All right. There you go.
I'm going to -- I will come back to a more detailed timeline with a different chart that has February and March called out later, but that gives you the parameters.
When do you understand Mr. Feldman and Mr. Katz made contact with the Santa Barbara District Attorney in this case.
MR. SNEDDON: Your Honor, I'm going to object. That assumes facts not in evidence. Plus, it's compound because it has two names in it.
Q. BY MR. SANGER: Okay. Let's put it this way: It's your understanding that Mr. Feldman called Mr. Sneddon; is that correct.
A. I believe so, yes.
Q. Okay. Do you know when that occurred, based on your investigation.
A. I want to say it was possibly sometime in June.
Q. Okay. Do you have a report to refresh your 2191

recollection that would help you with that.
I don't know if you have the Bates stamps up there or not. Yes, page 25, if you do.
A. No, I don't have that.
Q. Page two of Detective Zelis's report.
A. That's the one I -- yes, it was June 13th, 2003.
Q. All right. So, can you indicate on your chart -- why don't you just point, so we do it consistently, where that would be, roughly.
A. Right there.
Q. June 13. In between June and July, okay. So why don't you indicate that on your report -- I mean, on your exhibit.
And your understanding was that that same day, June 13th, Detective Zelis actually called Dr. Katz and interviewed Dr. Katz; is that correct.
A. Yes.
Q. All right. So maybe you can make a note on that, "Dr. Katz interviewed." You can abbreviate so it all fits.
Okay. Now, you were involved in all of the interviews that were tape-recorded of the Arvizo family prior to the grand jury testimony; is that correct.
A. That is correct.
Q. What was the first date that you conducted an interview with the Arvizo family. Let's take the 2192

1 children for right now.
2 A. That would have been July 7th.
3 Q. July 7th, 2003.
4 And so three or four weeks after the Katz
5 interview; is that correct.
6 A. That is correct.
7 Q. All right. Why don't you put that on your
8 chart there.
9 And what was the next time -- I'll let you
10 finish that, I'm sorry.
11 A. Okay.
12 Q. What was the next time that you interviewed
13 the Arvizo children.
14 A. That would have been August 13th --
15 Q. All right.
16 A. -- 2003.
17 Q. Put that interview up there. Okay.
18 A. Okay.
19 Q. All right. Now, you were aware that Mr.
20 Sneddon had a meeting with the -- with Mrs. Arvizo
21 at some point; is that correct.
22 MR. SNEDDON: Your Honor, I'm going to
23 object to that question. It's vague as to what
24 point in time, I believe, when he's dealing with
25 dates in here. It's vague.
26 MR. SANGER: I'll tell you what.
27 THE COURT: He asked him "at some point."
28 MR. SANGER: Yes, then I'll ask him when, if 2193

he knows.
Q. Did Mr. Sneddon have a meeting, a meeting alone with Mrs. Arvizo, sometime before the search warrant.
A. Yes.
Q. Do you know what the date of that was.
A. I do not.
Q. Okay. Sometime in early November.
A. It could have been. It was before the search warrant service. I do know that.
Q. All right. We'll skip that. We'll come back to that later.
The next significant event I want you to focus on is the actual execution of the search warrant, which was November the 18th, 2003; is that correct.
A. That's correct.
Q. And can you list that -- why don't you point at the map there, just in case, just to show where we are on our trip down the road here.
So now we're on November the 18th, halfway in between November-December. Okay.
Why don't you make a notation there. That's the search warrant.
A. Okay.
Q. The next documented interview with the Arvizo children was when.
A. Do you mean beyond the August 13th. 2194

Q. Yes. You put August 13th up there.
A. Yeah, I already have August 13th.
Q. So what's the next one. Was it November the 25th.
A. I don't recall another -- are we talking about a -- an interview with them.
Q. Yes.
A. Oh. No, I -- I do have it here. That's for the bucchal swabs. I have that. That was November 25th.
Q. Okay. November 25th.
A. Of 2003.
Q. And that was actually tape-recorded, is that correct, an interview.
A. I believe it was, yes.
Q. So can you put "November 25th, 2003." All right.
A. Okay.
Q. And then when was the next documented interview with the Arvizo children.
A. That I don't believe I conducted. There was various things that we would contact them in regards to, but as far as an interview, no. I can't -- I can't recall.
Q. Was there a tape-recorded interview on January the 19th, 2004.
A. I don't recall. I don't have that report. Who's the author of that. Me. Or -- 2195

Q. Well, I have the transcript here, and I'll have to find the report. But while I'm doing that, or before I do that, let me see if I can refresh your recollection a little bit.
Do you recall a meeting with the Arvizo children during which, or preceding which, they were played the rebuttal video.
A. I do remember that.
Q. And after the rebuttal video was played for them, then you interviewed the various children one by one; is that correct.
A. Yeah, but I was not involved in the interview process of that. I was there, in and out. That would be Detective Zelis that was the author of that report. And he participated with the attorneys.
Q. Okay. And when you say "the attorneys," who was there.
A. I believe it was Mr. Zonen and Mr. Sneddon.
Q. All right. Mr. Zonen and Mr. Sneddon actually engaged in asking questions and making remarks during those interviews, correct.
A. I do recall, yes.
Q. Okay. All right. So, could you --
A. Mr. Sanger.
Q. Yes.
A. No, it was -- I stand corrected on that. It was Mr. Zonen that was in there conducting that. 2196

Mr. Sneddon was with me outside the room. I mean, we watched the videos together, but then when it came to questioning the kids, we both stepped out, and it was Mr. Zonen and Detective Zelis that handled that.
Q. Okay. Let me see if I can refresh your recollection in that regard.
May I approach.
THE COURT: Yes.
Q. BY MR. SANGER: I'm showing you a transcript. And you're welcome to look at the whole thing. The introduction and subsequent pages where there's some references, does that refresh your recollection that --
A. Yes, it does.
Q. Okay. Was Mr. Sneddon there and did he actually participate in part of the interview.
A. Yes, he did.
Q. All right. Okay. So having said that, can you put on your chart -- let me take the book back. Thank you.
Put on your chart a reference for this interview, which is January 19, 2004, or series of interviews.
A. Okay.
Q. All right. And then I'll ask you to do one other thing. You remember the grand jury proceedings in this case; is that correct. 2197

A. I do.
Q. Do you recall the approximate time of the grand jury proceedings.
A. March and April, I think, 2004.
Q. End of March, beginning of April.
A. Yeah, that sounds about right.
Q. Okay. Could you simply make a notation on your chart indicating “grand jury” and just that general time period there.
A. Okay.
Q. Having done all of that, does that fairly and accurately represent the testimony that you’ve given so far about these dates.
A. Yes, it does.
MR. SANGER: Your Honor, I’d move the admission and ask for permission to publish the exhibit.
THE COURT: It’s admitted. You may publish.
MR. SANGER: Thank you.
May I approach and retrieve it.
THE COURT: Yes.
MR. SNEDDON: Mr. Sanger. Thank you.
MR. SANGER: Yes.
Q. Okay. Can we go through, just really quickly with the pointer there, so you can tell us what you wrote.
A. Okay. On February the 7th, that’s when the family returned back from Miami. 2198

March the 12th, that's when the Arvizos left the ranch for good.
On June 13th, 2003, we received a call from Attorney Feldman. And then on June 13th, Dr. Katz was interviewed.
And July 7th was the first interview with the Arvizo children.
August 13th was a follow-up interview with the kids.
November 25th is when I met with Star and Gavin for the bucchal swabs.
And November 18th is when we served the search warrant at Neverland.
January 19th, 2004, that's when the family was interviewed regarding the rebuttal tape.
And then end of March through April of 2004, the grand jury.
Q. Okay. Thank you.
Now, this means that you interviewed -- let me withdraw that.
Were there other times that the children were talked to by law enforcement officers during the period depicted on Exhibit 5035 that were not reduced to reports and were not tape-recorded.
A. There were various times that I would contact them to see how they were doing and things to that effect. But as far as interviews, no.
Q. And based on your training and experience, 2199

you would want to record the important and relevant materials, either by way of a written report, or a written report with an actual tape-recording.
A. That is correct.
Q. All right. So, before the search on November 18th -- I wonder if I could borrow -- it really belongs to the prosecution, so I should ask the prosecution if I can borrow their pointer. If I may address directly, Your Honor.
MR. SNEDDON: I don't have it.
MR. SANGER: It's up there.
MR. SNEDDON: Oh, of course.
(Laughter.)
MR. SNEDDON: You're a taxpayer. It belongs to the county.
MR. SANGER: There you go.
MR. SNEDDON: I think you pay your taxes.
MR. SANGER: Now I have to figure out how to use it.
Ahh, that's how you use it. Thank you.
Q. Okay. Now, if we look at -- we have July the 7th is the first set of interviews, right, that are on tape.
A. That's correct.
Q. And then August 13th, right.
A. Correct.
Q. Up to that point, you have not really gathered much in the way of physical evidence in 2200

this case; is that correct.
A. That is correct.
Q. November 18th, you told us that you had conducted a search at Neverland Ranch, right.
A. That's correct.
Q. And that's where you had quite a number of officers and you were there all day, correct.
A. Right.
Q. And you've told us some of the things that your department retrieved as a result of this search, correct.
A. That's correct.
Q. There was certainly quite a number of other items that were retrieved, were seized, as a result of that search; is that right.
A. Correct.
Q. In addition to that, two other locations were searched on that same day, on November the 18th, correct.
A. That's correct.
Q. One of the locations was Hamid Moslehi's house; is that right.
A. That's correct.
Q. And the other location was the office of Brad Miller.
A. Correct.
Q. Okay. Now, with regard to all of these searches, you were responsible for the briefing of 2201

the officers before they went out to do the searches; is that right.
A. I was one of the personnel that was involved in that, yes.
Q. All right. And, of course, as the lead investigator, you knew that all this was going on, right.
A. Correct.
Q. All right. And after the searches were completed, you were eventually briefed on what was retrieved from the various searches; is that right.
THE COURT: Can we turn on the light again or -- are you through with that.
MR. SANGER: We could for a couple minutes. In fact, what I'll try to do is see if I can avoid coming back to it before the next break.
Q. Okay. So just give us an idea of how much, quantity-wise, was seized from the Neverland Ranch search.
A. Are you taking about the various items, Mr. Sanger. I mean, quantity --
Q. There were --
A. There was -- there was a lot. I mean, there was hundreds, yes, of items that we took.
Q. And of the hundreds of items that you took, you were not able to evaluate all of them in the field; is that correct.
A. Evaluate them to -- their description. Or 2202

just to see what -- if they fall within, what, the search warrant.
Q. No. We're not talking about that.
A. Okay. I just -- I didn't understand.
Q. You seized things. That's a legal issue. That's fine. We're here -- I'm not worried about that.
Let's put it this way: When you seize certain items at any search, quite often you have to go back to the office, you have to look at them, evaluate them, try to figure out how they fit into the puzzle. Sometimes, if it's a tape, you got to watch it. If it's a computer, you have to download it and look at it, right.
A. That is correct.
Q. Okay. So the fact that you searched things on November 18th doesn't mean that you necessarily are going to know the contents and significance of everything that you seized as of the end of the day; is that right.
A. That's a true statement, yes.
Q. And with regard to Mr. Moslehi, he was -- his residence was in the Los Angeles area; is that correct.
A. Yeah, San Fernando Valley, I believe.
Q. And the material had been taken from there and brought up to Santa Barbara; is that correct.
A. That's correct. 2203

Q. And then people had to look through it and try to figure out what it was, what it meant.
A. Correct.
Q. And among other things, there were a number of tapes, either videotapes or CDs or some medium, but there was a number of recorded items that were taken from Mr. Moslehi's house; is that right.
A. Yes.
Q. And you understood that he was a professional videographer; is that right.
A. Correct.
Q. Okay. And so consequently, he had a lot of videos, I suppose, right.
A. Right.
Q. And then Mr. Miller, Brad Miller, was a licensed private investigator; is that correct.
A. That is correct.
Q. Or I should say "is," I suppose. But at the time he was as well, right.
A. Right.
Q. And in the -- as the lead investigator, you're aware that what was seized from his office included some video and audio tapes; is that right.
A. That is correct.
Q. All right. So it took some time for the investigators in the case -- well, let me back up just a little bit and withdraw that.
When you do a search like this, you bring a 2204

lot of people in to assist who are not going to be permanently on the team investigating the case; is that right.
A. That is correct.
Q. So you may detail people from another division or another unit whose duties have nothing to do with this case or even a case like this; is that right.
A. That's correct.
Q. And once they do their job, once they've completed the detail, they have finished doing the search, they bring the stuff back and book it into your sheriff's evidence locker, they go on and do something else, right.
A. Correct.
Q. And they may not be involved in the case again unless they're called in to testify as to what they did, right.
A. Right.
Q. Okay. So you have the scribes and the seizers, and they bring the evidence back, and then it may be that somebody totally different is going to be assigned to actually evaluate it and understand it and figure out how it fits into the case, right.
A. That is correct.
Q. All right.
So I was going to try to get to the break 2205

without asking the lights go off one more time, but let's do it, if we can, please.
Thank you, Your Honor.
So, up to this point, November 18th, you were not aware, as of that point, that there had been a tape-recording by Bradley Miller of this family; is that correct.
A. Only -- yeah, you are correct.
Q. And as of November 18th, you were not aware that there had actually been a film made of this family, which later became known as "the rebuttal film"; is that correct.
A. I believe that -- and I'm not -- because I haven't reviewed that statement, but I believe that Mrs. Arvizo was explaining to us in her interview that that had taken place.
Q. Well, we weren't talking about Mrs. Arvizo, because she hasn't testified yet.
MR. SNEDDON: Your Honor, I'm going to object to that. He's asking what the officer was aware of. This isn't a segregation.
MR. SANGER: No, this --
MR. SNEDDON: I apologize.
I object. Assumes facts not in evidence, And it's argumentative.
MR. SANGER: I apologize, because I said something, but I will withdraw the question. How's that. 2206

THE COURT: I'm looking for a break, but --
rephrase your question.
MR. SANGER: Yes, Your Honor.
Q. That's true, I am asking for your awareness,
but I was trying to avoid -- I don't want to get
into hearsay that's not admissible because we
haven't had the people testify yet, okay.
So it's your belief that Janet Arvizo said
something about doing a film.
A. That is correct.
Q. Before November 18th.
A. That is correct.
Q. Okay. None of the children mentioned doing
the film before November 18th, though, correct.
A. To the best of my knowledge, that is
correct.
Q. And after the search, the searches on
November 18th, you eventually -- well, you got
November 18th and November 25th all in kind of the
same place.
But after the searches on November 18th, you
became aware that there were actual copies of
videos; is that correct.
A. There were videos that we had seized. Is
that what you're --
Q. Yes. But as of the 25th, you hadn't
actually watched the -- what turned out to be called
"the rebuttal video"; is that correct. 2207

A. I -- I can't say for sure if I did or not, Mr. Sanger, because like I said, I had other guys assigned going through that, because I was doing other things at that point. But I was pulled in to watch different things at various times, but I can't say for sure when I actually saw the rebuttal film.
Q. All right. But the first time you ever saw the rebuttal film was sometime after November 18th; is that correct.
A. That would be a correct statement, yes.
Q. And then January the 19th, 2004, was the date that you assembled the Arvizo children to watch the video; is that right.
A. That is correct.
Q. And they all watched it together, correct.
A. Yes.
Q. And then you conducted additional interviews of each of the children; is that right.
A. Correct.
THE COURT: All right. We'll take our break.
MR. SANGER: Thank you.
(Recess taken.)
THE COURT: All right. You may proceed.
MR. SANGER: Thank you, Your Honor.
Q. All right. We've established this timeline now -- is that on. Yes.
We've established the timeline, and let's 2208

just start with Davellin. The first time that
Davellin said anything to you about the rebuttal
video was in the January 19th, 2004, interview,
correct.
A. I believe that's correct, yes.
Q. Now, when you had these interviews, this was
a pretty big event in the investigation, was it not,
the interviews of January 19th.
A. A big event in what respect.
Q. Big event in the respect that you -- you,
meaning you and Mr. Sneddon and Mr. Zonen and
perhaps other law enforcement officers, had seen the
rebuttal video, and you were calling the family in
to ask them how they could do that video.
MR. SNEDDON: Your Honor, I object. Assumes
facts not in evidence.
MR. SANGER: Well, it was compound probably.
Let me break it down.
Q. You had seen the video by January 19th,
correct.
A. That's correct.
Q. And to your knowledge, had Mr. Sneddon seen
the video by January 19th.
A. I don't recall that.
Q. Before he commenced or before you all
commenced the interviews with the kids on January
19th, Mr. Sneddon saw the video, correct.
A. I can't answer that. I'm not sure of that. 2209

I know that I -- a portion of that video I did see, because one of my investigators showed it to me on the computer.
Q. All right.
A. I can't answer for Mr. Sneddon. I believe that was the first time I saw it. I'm not positive, though.
Q. Okay. My question may not have been clear. What I was talking about is, at the very least, he showed the video before you started doing the interview with the kids, correct.
A. Yes, that's correct.
Q. And when you showed the video to the kids, Mr. Sneddon watched it, correct.
A. Correct.
Q. Mr. Zonen watched it, correct.
A. Correct.
Q. You watched it.
A. Correct.
Q. And were there any other people there. Was Detective Zelis there.
A. Detective Zelis.
Q. He watched it.
A. That's correct. And I think Lieutenant Klapakis watched it.
Q. All right. Now, the reason for the meeting, as it were, was to ask this family how they could do a rebuttal video like that if they maintained these 2210

allegations; is that correct.
MR. SNEDDON: I'm going to object to that question as argumentative. It's just -- that's like testifying.
THE COURT: Overruled.
MR. SANGER: Do you have the question in mind.
THE WITNESS: Why don't you repeat your question.
THE COURT: I'll have the court reporter do it.
(Record read.)
THE WITNESS: That is incorrect. It was to clarify regarding my previous interview with them, to clarify issues that they were saying on the tape.
Q. BY MR. SANGER: All right. As of the previous interviews, none of the Arvizo children had been asked about the rebuttal video, correct.
A. That is correct.
Q. And none of them had been asked about the Miller interview; is that correct.
A. I believe that's correct.
Q. In fact, due to whatever factors, you were not able to actually listen to the Miller video until sometime in February, I believe, of 2004; is that correct.
MR. SNEDDON: I think counsel misspoke about a video. 2211

MR. SANGER: What did I say. I said “listen to a video.” I meant “listen to an audiotape,” you’re correct.
May I rephrase.
THE COURT: Rephrase, yes.
MR. SANGER: Towards the end of the day. I didn’t have pizza, but I’m -- maybe because I didn’t, I’m fading here. Okay. Let’s try that again.
Q. The Miller tape, which now we’ve found is an audiotape; is that correct.
A. That is correct.
Q. And that audiotape apparently was made about March the 16th, I believe, is that correct, of 2003.
A. That sounds about right.
Q. So that tape was not found at all by law enforcement before November 18, correct.
A. That’s correct.
Q. And in other words, when I say “found,” nobody gave you a copy. You didn’t have a copy of it, correct.
A. Correct.
Q. And nobody told you about it before November 18th, did they.
A. Yeah. Meaning nobody told me about the interview or about the tape.
Q. That there was a tape-recorded interview with Brad Miller. 2212

A. I cannot say for sure because I haven't gone over my report, my interview with Mrs. Arvizo. But I believe she mentioned something in her interview regarding that.
Q. Your belief right now as you're sitting there --
A. I believe so. I'm not positive, but I believe it was mentioned during that interview.
Q. We'll come back to that. As far as the kids are concerned, the kids never mentioned anything about being tape-recorded.
A. I don't believe they did.
Q. And they were never asked anything about being tape-recorded, were they.
A. That is correct.
Q. Does that help refresh your recollection that you didn't know about it.
A. Right. We didn't know, right.
Q. Now, that tape, that audiotape of Brad Miller doing the interview with the Arvizo family, was seized on November 18th from Brad Miller's office, correct.
A. Correct.
Q. Due to reasons beyond your control, you were not able to actually listen to that tape until sometime in February of 2004; is that correct.
A. I'm not sure of the date, but it was right around that -- it was 2004, somewhere in there. 2213

Q. And it was after the January 19th interview.
A. I believe it was.
Q. All right. So when you interviewed Davellin on January 19th, 2004, you asked her why she said "father," and why they were talking about "father" and "father figure" and all that; is that correct.
A. Okay. You're getting into the interview portion of it, and I -- to the best of my recollection, I don't recall me being the one that interviewed her regarding that video. That would have been Detective Zelis.
Q. You were in and out of the room.
A. Yes, I was.
Q. Okay. When you were in the room, you don't recall ever talking about Dieter telling her she had to say that sort of thing.
A. Like I said, I'd have to go on ahead and -- if you have the transcripts to that, to let me recall my memory, that would be great.
Q. I do have the transcripts.
A. I cannot remember what portions that I was in, and a majority of those I was not in.
MR. SANGER: May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: The transcript of that particular interview is a few pages. I've given you the whole notebook.
A. This has the D.A. and then it has her. It 2214

doesn’t have us.
Q. If you -- I’m sorry. What I did - I was going to explain - I gave it to you open to the page that I had it open to.
A. Right.
Q. If you go back, you’ll see where it starts there. And you’re welcome to look at the whole thing.
Either you were there or you weren’t. If you weren’t there, that’s okay. You can just tell me, and we’ll --
A. I don’t recall being in -- sitting in on this particular interview, is what I’m saying. And even with the boys and so forth, because I was out doing other things. I watched the video that day. I did watch that.
Q. I’ll come get it in a second.
You’ve reviewed the transcript that I’ve showed you, of Davellin’s interview of January the 19th, 2004, and it doesn’t refresh your recollection as to anything that might have been said in your presence.
A. It doesn’t.
Q. Okay. All right.
May I approach.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. As the lead investigator in this case, did 2215

you become aware after the January 19th interviews that essentially the three children had an explanation for how they could give that interview that was shown on the rebuttal and still maintain their allegations.
A. That is correct.
Q. And, in essence, they were claiming that Dieter told them to say much of what was said on that tape.
A. Correct.
Q. All right. Well, while we're on Davellin -- and then we'll go back to the others and see how far we get with them.
And, Your Honor, if you wanted to hit the lights --
THE COURT: Okay.
MR. SANGER: -- that would be fine.
Q. With regard to Davellin, you first interviewed her on July 7th, '03. We talked about that, right.
A. Correct.
Q. And that was the interview where she gave you a tremendous amount of detail about what happened to her brothers, allegedly, right.
A. "Detail" meaning -- regarding what.
Q. Well, we could go through it.
A. I have transcripts of her interview up here.
Q. All right. Davellin told you some things 2216

1 that she claimed to have observed herself, correct.
2 A. Correct.
3 Q. And none of those things involved
4 allegations of child molest; is that correct.
5 A. Right.
6 Q. That she observed herself.
7 A. I believe you're correct, yes.
8 Q. However, she gave you details as to what
9 allegedly happened to Gavin and allegedly what Star
10 claimed to have seen; is that right.
11 A. I recall her giving me details regarding
12 drinking alcohol, things to that effect, but not
13 regarding the actual act of molestation, no.
14 Q. She told you -- well, let's do it this way.
15 Your Honor, the bailiff indicated I was
16 supposed to alert if we were going to get into
17 sexually explicit --
18 THE COURT: No, just the photographs.
19 MR. SANGER: Just photographs, okay.
20 Q. She told you -- and I'm talking about July
21 7th, 2003. She told you that --
22 MR. SNEDDON: Your Honor --
23 Go ahead. I'm sorry.
24 MR. SANGER: Let me start again.
25 Q. I'm talking about the July 7th, 2003,
26 interview. She told you that Gavin and Star told
27 her that Michael Jackson talked to them about
28 masturbation. Is that correct. 2217

A. Okay, that does -- yes.
Q. And she told you that the conversation involved the question of whether or not white stuff came out; is that correct.
A. Correct.
Q. She told you that Gavin and Star talked about other particular claims like the mannequin incident, right.
A. Correct.
Q. And there are a number of others; is that right. A number of other details.
A. Correct.
Q. All right. And she told you that the way she learned those details is that Gavin would tell her and Star would stand there and listen and agree with what Gavin was saying.
A. I don't recall that.
Q. Okay. I'll come back to that in one second. She also told you that her mother had told her certain things about this; is that correct.
A. Just -- I don't know what certain things you're talking about, Mr. Sanger.
Q. Well, for instance, that the mother had told her the story about the urine bottle --
A. Okay. Yes.
Q. -- is that right.
Now, on the other one there, I'm going to refer you to page 24. 2218

A. Okay. I'm there.
Q. Would it refresh your recollection as to what you were told at that time.
A. Do you mean the whole page, is what you're asking, or --
Q. I'm sorry. If you start at about line 13, or line 11.
A. Yes, it does.
Q. And, in fact, Davellin told you that Gavin and Star told her the stories, correct.
A. Yes. That's correct.
Q. And that she said, "Yeah, it's like one tells me and the other one agrees to it." Is that a quote as to what she said to you at that time.
A. I -- it's in the transcripts. I don't recall her saying that, but it's there, so it must be correct.
Q. Well, I don't want you to agree with something reluctantly.
A. I mean, I don't recall her saying that.
Q. Would it help you to listen to the tape to refresh your recollection.
A. That probably would.
Q. All right. Would you be able to do that at the break this evening and come back tomorrow. I don't want to do it here in court, if we can avoid it.
A. Sure. 2219

Q. Okay. You have a copy of the tape you can listen to.
A. I think I can get a copy of that, sure.
Q. All right. Do you recall her saying -- let me withdraw that. Do you recall Detective Zelis asking her, “So they” -- “So are they together” -- I’m sorry. Let me try it again.
“So are they together when they tell you this.”
And Davellin saying, “Yeah, most of the time.”
Detective Zelis: “Most of the time. Okay.”
Do you recall that, or do you need to listen to the tape to refresh --
A. Well, the interview was quite a while ago, so, I mean, I need to listen to that as well.
Q. This was a transcript that was actually prepared by a certified court reporter --
A. Uh-huh.
Q. -- is that correct.
A. Correct.
Q. And it was prepared at the request of the sheriff’s department, or the D.A.; is that correct.
A. Correct.
Q. All right. So you don’t have any reason to believe that the transcript is inaccurate. You just want to be careful and --
A. Correct. That is correct. 2220

Q. All right. Now, do you recall Davellin telling you on -- during this interview of July the 7th, that Gavin was a loving little boy, and that he started acting out after these events.
A. Yes, I do.
Q. Do you recall the next interview on August 13, 2003, where she said Gavin was becoming violent and argumentative as a result of these events.
A. That is correct.
Q. All right. Now, there was an interview -- let me just be sure I've got the right one here. Excuse me.
Did you interview Davellin on November the 25th.
A. No. I believe, to the best of my recollection, it was only the boys.
Q. Only the boys. Okay.
At some point, did Davellin tell you in one of the interviews that she was always by herself at the ranch and she was not allowed to be with her mom.
A. I'd have to review that.
Q. All right. I'll ask you if you could do that. And I'll find you the page number for that --
A. Okay.
Q. -- before we leave today.
All right. Let's take a look at -- at Gavin Arvizo's. Now, Gavin Arvizo, on August 13, 2003 -- 2221

let me withdraw that, before we get to this.
This pertains to the story or the claims
about masturbation. You were sitting here when
Gavin Arvizo testified on the stand during this
trial, correct.
A. Correct.
Q. And he said that Michael Jackson told him,
"If men don't masturbate, they get to a level where
they can -- might rape a girl." Do you remember
that.
A. I do.
Q. Okay. That was the first time you ever
heard Gavin Arvizo attribute that statement to
Michael Jackson, was it not, sir.
A. I believe so.
Q. And, in fact, Gavin Arvizo told you on
August 13, 2003, that it was his grandmother who
told him, "If men don't do it, men might get to a
point where they might go ahead and rape a woman."
Is that correct.
Page 28, if you want to take a look at it.
A. I'd like to do that.
Q. August 13th.
A. Is that 28 you said.
Q. Yes. 28, line 4, starts, "My grandma
explained it to me."
A. Yes.
Q. And you remember him saying that because, in 2222

fact, you testified before the grand jury on April 14th that -- of 2004, that Gavin, in fact, told you that his grandmother said that; is that correct, sir.
A. That's correct.
Q. And, in fact, in the August 13, 2003, interview, Gavin said, "My grandma explained it to me. She told me that -- that you're -- the only reason -- because like if -- if men don't do it, men might get to a point where they might go ahead and rape a woman. So instead of having to do that, so they don't -- so they don't get wanting to go do that." Did he say that.
A. Yes.
Q. All right. Now, do you have a recollection of Gavin's interview of January -- January 19th of 2004.
A. That's going to fall under the same category as Davellin.
Q. Okay. As far as you know, though, from your investigation, that was the first time -- the January 19, 2004, interview was the first time that the kids were confronted with the rebuttal video and asked to explain why they said what they said.
A. That's correct.
Q. Did you become aware that Gavin Arvizo in that January 19, 2004 interview said that 99.9 percent of the things on the rebuttal tape were not 2223

true.
A. I don't recall that, but I'd have to review that as well.
Q. And were you in general - and I'll get off it here - were you, in general, aware that he had said that Dieter told them to say what they said.
MR. SNEDDON: Your Honor, I should have objected earlier. I object to the fact that this officer is not established as even in the room when those statements were made. Lack of foundation.
THE COURT: Well, I'll sustain the objection. More importantly, the question, "in general," calls for a conclusion on his part.
MR. SANGER: All right.
Q. Well, I'll just ask you to review that tape as well, or the transcript again, to see if it refreshes your recollection if you were there. If you were, that's fine. And if you weren't, that's okay, too.
Were there inconsistencies -- besides the one we just talked about, were there inconsistencies --
MR. SNEDDON: I'm going to object to that kind of talk from counsel. It's a conclusion on his part.
MR. SANGER: "That kind of talk".
I object to the objection as not being proper. Let me withdraw it, Your Honor. 2224

THE COURT: There's no question there, so go ahead and make a -- do a question.
Q. BY MR. SANGER: You talked about the inconsistency between the statement about masturbation on the stand versus prior statements. And other than that, were there other inconsistencies in Gavin Arvizo's statements that he gave over the period of time.
A. Can you direct me to what --
Q. Did you notice that there were any.
A. Both times regarding --
Q. Regarding anything. Other inconsistencies. You can say "yes" or "no."
A. I don't believe so.
Q. All right. On July 7, 2003, Gavin said that he called Michael Jackson at the Universal Hilton, correct.
A. That's correct.
Q. And in August, he said Michael Jackson called him to invite him over, is that right. Page 18 of the August 13 interview.
A. Yes, down here, that he "thinks he called me." It's not a definite, but he says, "I think he called me." I see that.
Q. It goes on, does it not. He says -- on page 18, when he's asked why did he meet with Michael at the Hilton, he says, "I just wanted -- because he wanted me to come." 2225

He says, “Did he call you or did you call him.”
He says, “I think he called me. And then we were talking, and he told me that he was at the Hilton, at the Universal Hilton, and we started talking about me visiting, so I just came to visit.”
A. I see that.
Q. Now --
MR. SNEDDON: Excuse me, Counsel. Will you read the rest of the statement.
MR. SANGER: I can read whatever you want. Let me see here.
MR. SNEDDON: Well, the last four lines of the statement I think --
MR. SANGER: Well, then there’s a question. Or do you want the next -- I don’t have to do this, but I will. All right.
There’s a question: “Did he say, ‘Hey, why don’t you come over and visit’. Is that what he asked.”
Answer: “I don’t remember how it happened. But I remember I came over.”
Okay. The point of this is that Gavin’s current statements in court and his statement on the 7th of July, 2003, were to the effect that he had found out that Michael was at the Hilton and he called him, and Michael Jackson picked up, and that’s how he got ahold of him; isn’t that right. 2226

A. According to his statement, that's a correct statement.
Q. All right. Now, let's talk about something a little more substantive here. On January -- I'm sorry. On July 7th, 2003, Gavin said that he was masturbated by Michael Jackson five times or so, did he not.
A. Yes, he did.
Q. And then on 8-13-03, he said he was masturbated five times and he ejaculated all five times, right.
A. Correct.
Q. Now, we'll hold on to that. And let's go to another issue.
As far as the timing of the incidents was concerned, you already answered some questions on direct on this. On -- I keep doing that. On July 7th, 2003, Gavin Arvizo said that the masturbation incidents occurred on "one of the last days that I was staying at Neverland." Correct.
A. I recall it as being towards his last days of staying at Neverland.
Q. Okay.
A. So it was towards -- towards before he left for good, yes. That's the way I understand it.
Q. All right. If you look at page 30, the question is, "He said one of the last days, like towards the last days I was staying at Neverland"; 2227

1 is that a fair statement.
2 A. You're talking about August, correct. The
3 August interview.
4 Q. No, this is July.
5 A. Oh.
6 Q. The first interview.
7 July 7th, 2003. Page 30.
8 A. I have it.
9 Q. Lines 20 and 21.
10 A. I just read it.
11 Q. Mr. Sneddon just indicated somebody was
12 confused. I don't know who he was referring to
13 here, so we're okay. He said, "In fact, one of the
14 last days, like towards the last days when I was
15 staying at Neverland"; is that correct.
16 A. That is correct.
17 Q. Your investigation eventually disclosed that
18 during the last days they stayed at Neverland, there
19 wouldn't have been five occasions when molest could
20 have occurred; is that correct.
21 A. Can you repeat that.
22 MR. SANGER: No.
23 THE COURT: Would you like that read back.
24 THE WITNESS: Yes.
25 (Record read.)
26 THE WITNESS: No. That's not correct.
27 Q. BY MR. SANGER: All right. Now, in August
28 of -- in the August interview, Gavin told you, on 2228

pages 38 to 41 --
A. Okay. I'm there.
Q. He starts out talking about the DCFS interview, correct. And --
A. Just a second. What line are you.
Q. Well, I'm just -- hang on one second. I'm not asking for a quote here. I'm just trying to put it in context.
On page 38, they're talking about the DCFS interview. Put it in context. You're welcome to read the whole thing, too. Whatever you want so you feel comfortable with it.
A. Okay.
Q. And if you read that whole segment, it appears that he is saying that the molest occurred before, started before the DCFS interview.
A. That's not the way I understand that.
Q. Well, because he is saying, is he not, that the purpose of the interview is to -- let me withdraw it.
Let's put it this way: That's not your impression.
A. That's not my impression.
Q. Okay. All right. Let's come back to that.
Now, if you go to the 11-25-03 interview, look at page two and three, he says that the acts that Michael engaged in, Michael Jackson engaged in, occurred both before and after the DCFS interview, 2229

right.
A. Well, he initially states that they occurred after the DCFS interview. And then he thought further, and he said some of the acts, that he believes they occurred before and after.
Q. Right. And the investigator asked, “It was both. Are you pretty sure.”
Answer: “Yeah.”
A. Okay.
Q. And then it goes on, “Because I think you said it happened about five times, and what you’re saying is that you’re thinking it happened before and after that.”
Answer: “Yeah.”
“Both times.
“Yeah.
“Okay. Okay. That’s all I need to know.”
Right.
A. Right.
Q. And that pretty much ended the interview. The investigator -- was that you asking those questions.
A. That was me. Yes.
Q. Okay. That was what you were trying to discern in this tape-recorded interview, correct.
A. Correct.
Q. Now, in January -- on January 19, ‘04 - again, you don’t remember the exact interview. And 2230

you're going to review that and see if you recall more of it later - but did you become aware, as the lead investigator in this case, that Gavin Arvizo then told you he wasn't sure when these events occurred, and that you guys would probably know the dates.
A. I would have to read -- was that said during that interview.
Q. Yes.
A. Okay. I don't recall that. I'd have to review that as well.
Q. Were you advised that was now an issue.
A. No.
Q. Okay. And you're aware of his grand jury testimony; is that correct.
A. Portions of it, yes.
Q. And in the grand jury he went back to saying it was after the Calabasas trip from March 2 through March 12th; is that correct.
A. I believe that is correct.
Q. And you determined, did you not, that Michael Jackson was not at the ranch during that entire period of time, did you not.
A. Which period of time are you talking.
Q. From March 2 through March 12th.
A. Yes.
Wait. Wait. I'm sorry. That he was not there or that he was there. 2231

Q. Was he there the entire time, every day.
Did you determine whether he was or he wasn't.
A. Not -- from March 2nd through the 12th.
Q. Yes.
A. There were some -- a couple of days, two or three days, that he was not there.
Q. All right. There were two, three days that you were able to establish he was somewhere else.
A. Showing that he was off the ranch.
Q. Right. Now, let's take Star -- again, Star did not mention the rebuttal video or the interview by Bradley Miller before the search; is that correct.
A. I don't believe he did. That is correct.
Q. Star was more detailed in his description of things than Gavin was; is that correct.
A. There were two different acts. I -- he saw things going on and Gavin was actually having it happen to him. So, I mean, I thought that they both described them very clearly.
Q. Okay. Well, there was -- there were conflicts in what they described. For instance, Gavin described his brother as wearing boxers, whereas his brother described that he was wearing pajamas, right.
MR. SNEDDON: Your Honor, I'm going to object. It's vague in terms of what incidents he's talking about. 2232

THE COURT: Sustained.
MR. SANGER: All right.
Q. Well, when you interviewed -- I'm sorry.
When you interviewed Star, he had already been
interviewed by Stan Katz; is that correct.
A. That is correct.
Q. And you said, in essence, what Stan Katz had
said all of the kids had said to him; is that right.
A. Correct.
Q. When Star described -- on July 7th, Star
described walking up the stairs and he described his
brother having pajamas on; is that correct.
A. I believe you're right.
Q. But then he said that he saw that Mr.
Jackson had his hand in Gavin's underwear; is that
correct.
A. Correct.
Q. Okay. And you were aware that he had told
Stan Katz that the incident occurred while Gavin was
wearing boxers.
MR. SNEDDON: Your Honor, I'm going to
object again with regard to the fact that there are
two incidents described by this witness.
MR. SANGER: And I object to a speaking
objection, because --
THE COURT: Sustained, both of you.
MR. SANGER: It's a fair trade-off. Okay.
Q. In Mr. Katz', or Dr. Katz's interview, there 2233

was reference to a first incident and a second incident, correct.
A. I don't have -- I don't believe I have Dr. Katz' interview with me here.
MR. SNEDDON: I'm going to object. I object.
MR. SANGER: We'll go back to it. We'll just stick with what you have.
Q. So on the first interview -- I mean, on the first incident, the first incident on July 7th, there's discussion of sleeping -- Gavin sleeping in pajamas, but then Michael Jackson reaching into Gavin's underwear, right.
A. Correct.
Q. On August 13, Star says Michael Jackson put his hand into Gavin's boxers; is that correct.
A. I believe that's correct.
Q. And on November 25th, 2003, Gavin said -- I mean, Star said that Gavin was wearing underwear, specifically because Michael Jackson told him to sleep in his underwear, right.
A. I'm looking over it. You're talking about the interview on the 25th, correct.
Q. On November the 25th.
A. With Star.
Q. Yes.
A. Okay.
Q. And he said -- he said that; is that right. 2234

A. Correct.
Q. And then he said that Michael Jackson had his hand in Gavin's underwear, correct.
A. Correct.
Q. And he also said that this incident occurred five days or a week after February 20th; is that right.
A. Are we on the same interview.
Q. Yes.
A. That is correct.
Q. And that this was -- no incident of masturbation occurred before this.
A. Before the --
Q. Before this one that he just described as being five days to a week after February 20.
A. Right.
Q. Okay. Now, in the Stan Katz interview with Paul Zelis, what Paul Zelis told you about his interview with Stan Katz, there was no mention of a second incident of masturbation.
MR. SNEDDON: Your Honor, I'm going to object. It's double -- triple hearsay.
THE COURT: Sustained.
MR. SANGER: Okay.
Q. And on July 7th, Star told you that there was a second incident of masturbation; is that correct.
A. That is correct. 2235

Q. Now, on the 13th, it wasn't clear from the interview as to what incident he was talking about, it wasn't clearly delineated between two incidents; is that right.
MR. SNEDDON: Your Honor, I'm going to object to that, too. That's a statement of counsel testifying.
MR. SANGER: I'm asking the witness who conducted the interview
THE WITNESS: If it was --
THE COURT: Just a moment.
I'll overrule the objection.
Do you want the question read back.
THE WITNESS: Yes, sir.
(Record read.)
THE WITNESS: To the best of my knowledge, during that interview, he was -- as I understood it, he was very clear on both incidences that he saw.
Q. BY MR. SANGER: Well, he said that Gavin was wearing boxers during an incident which may or may not be the first or the second incident or both.
A. Okay. So you're --
Q. I'm asking you. Did he say he was wearing boxers. Did he tell you box -- Gavin was wearing anything other than boxers when he described the incidents on August 13th.
A. I believe he said pajamas.
Q. Okay. The second incident he said pajamas. 2236

A. I'm going to look at that.
Q. All right.
A. What page are you on. That's July 7th.
Q. No, this is August 13.
A. What page are you on.
Q. I'm trying to find it for you here.
Your recollection -- what we're looking
for -- your recollection is that he talked about
wearing pajamas on August 13th for the second
incident.
A. Well, I need to look at it.
Q. Okay. I'm looking at page 17.
A. Okay.
Q. It says "boxers," right.
A. Yes, down at the bottom, it does. "His
brother's boxers." Are you talking about line 23.
Q. Right. So once again, with Star, you'd have
to review the January 19th tape and/or transcript to
tell me whether or not you recall what he said
specifically about the video.
A. That is correct.
Q. But you do know from your investigation that
essentially he said Dieter made them memorize lines
and say things like "father" and "humble" and so on;
is that correct.
A. To the best of my recollection, yes.
Q. Okay. Just as a follow-up on something
here. I had asked you about Mr. Sneddon going down 2237

to Los Angeles and interviewing Janet Arvizo, I believe, okay. Your answer was you don't recall that happening or you don't recall when it happened.
A. No, I did recall him going down there. And I don't recall the date that that occurred. And it wasn't for an interview. It was for forms to be signed.
Q. All right. It was sometime before -- before the 18th.
Okay. Now, you've been -- I think you told us you've been a sheriff for a long time, 20-some years, right.
A. Yes. Approximately 22.
Q. And you were not personally -- or were you personally involved in investigating Mr. Jackson anytime prior to the time that you -- you commenced your investigation in -- whenever you told us, June 20 or so.
A. No, that was the first time.
Q. All right. So June 20, you had information that had been obtained from Dr. Katz, and July 7th, you proceed to interview the kids, right.
A. That is correct.
Q. And on that date, you indicated that, "We're going to try our best to make this case work"; is that correct.
A. Let me refer to that.
Q. You can look at -- it's in Davellin's 2238

1 interview, page 33.
2 A. Okay. I'm on page 33.
3 There was quite a bit more where that -- in
4 addition to what I said in regards to that.
5 Q. Well, we can read the whole thing.
6 A. Okay. I already read the whole thing.
7 Q. All right. So you said to Davellin at
8 the -- towards the end of her interview, "Okay.
9 Okay. One thing I wanted to say and emphasize to
10 you is that you guys are doing the right thing here.
11 You know what, I know it's scary, and I realize --
12 really realize that you guys are going through a lot
13 and you've been through a lot as a family. They're
14 the ones that have done wrong, not you. And trust
15 me in this, and trust Detective Zelis, we're law
16 enforcement. We're going to try our best to make
17 this case work. I can't guarantee it, where it's
18 going to go from here, but that's why we're
19 interviewing everybody involved. I don't care how
20 much money they have" - do you want me to keep
21 going. - "who he is, what -- but he's done wrong.
22 You guys are the victims. Your family is. He is
23 wrong in what he's done. We're going to try our
24 best. Can't guarantee it. We're going to try our
25 best to bring him to justice."
26 Did you say that.
27 A. I definitely said that.
28 Q. Okay. So that's not the statement of 2239

somebody who has an open mind who's looking to see whether or not these people are telling the truth, is it.
A. That statement, Mr. Sanger, is what -- through my courses that I've had -- and you have victims that are terrified in coming forward to law enforcement. That is to reassure them that they are not the suspects or they are the victims in the case.
And I was reassuring them through that and letting them know that they are doing the right thing, because they were terrified when they came forward. And it took us about two weeks to get them to come forward and up here to be interviewed.
Q. Okay. Now, when you say that the technique that you're taught is to reassure people that if they're telling the truth and coming forward and being honest that they have nothing to fear, right. It's not to tell them that they're right and somebody else is wrong and you're going to get them. That's your -- that's your version of the speech, isn't it.
A. That -- my version of the speech is what I just explained.
Q. It is.
A. And they were concerned about coming forward to law enforcement, and they were concerned about whether they were going to make the case or not. 2240

1 And I told them we would try our best.
2 Q. And from the beginning, you have made a
3 concerted effort to make this case work, have you
4 not.
5 A. Yep. I did.
6 Q. All right.
7 Now, we have three minutes. But Detective
8 Robel does need to look at the materials. And I
9 don't -- I could ask three minutes of silly
10 questions, but I'll spare you that, Your Honor.
11 I don't have another question for him until he does
12 that.
13 THE COURT: You're threatening me with silly
14 questions.
15 MR. SANGER: Yes.
16 THE COURT: All right. I don't think you're
17 bluffing, so we'll call it.
18 (Laughter.)
19 (The proceedings adjourned at 2:30 p.m.)
20 --o0o--
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 2087 through 2241 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 15, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
March 15, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER